State of Maine

Department of Environmental Protection

"Performance Partnership Grant" Submittal

November 1, 1996

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I. GENERAL PURPOSE AND CONTEXT

A. PERFORMANCE PARTNERSHIP

The purpose of this FY97 Performance Partnership agreement ("the agreement") is to set forth the understandings reached regarding the federal/state relationship, the desirable environmental outcomes and performance expectations surrounding those outcomes, and the oversight arrangements between the two parties. The parties to this agreement are the Maine Department of Environmental Protection (DEP) and Region 1 of the Environmental Protection Agency (EPA), as represented by the Maine Office of Ecosystem Protection.

This agreement is intended to be consistent with the "performance partnership" as described in the National Environmental Performance Partnership System (NEPPS), as described in the Performance Partnership Grants for State and Tribal Environmental Programs: *Interim Guidance* (October 1995 and December 1995). According to this guidance, states may choose one of four PPG options, and Maine has chosen "Option III: Administrative and Programmatic Flexibility Based On An Environmental Partnership Agreement That *Replaces* Categorical Workplans."

This PPG includes the programmatic commitments from the following grants, in whole or part:

LAND AND WATER

Water Quality Management Grant (106) -- a very broad grant, funding the base program of water quality monitoring and licensing for surface and ground water.

Water Quality competitive grants (104 b 3) -- these are a number of grants that are competitively awarded, and fund such things as wetlands protection, abatement grants for combined sewer overflows, critical areas protection (with SPO) and NRPA licensing.

Non-Point Source Program (319) -- a specific comprehensive grant that cannot be used for general monitoring or problem assessment. Supports ground water quality protection activities. 50% of the funding is passed through to local soil and water conservation districts for their projects.

AIR

Clean Air Act (105) -- provides core funding to the Bureau of Air Quality, to support the state's activities to realize the requirements of the Clean Air Act and Amendments.

REMEDIATION

Resource Conservation and Recovery Act (RCRA) -- the hazardous waste component covers hazardous waste licensing and compliance activities and supports staff in each of these areas.

Underground Storage Tanks (UST) -- a component of RCRA, that covers the registration, removal and remediation activities associated with underground storage tanks.

Lead, Asbestos -- these two grants are administered similarly, and cover the certification of professionals in the asbestos and lead abatement fields. Inspections, based upon received notification of removal and abatement activities, are also funded by these grants.

PCB -- this small, separate grant covers the inspection of PCB storage sites and response to potential or actual PCB contamination.

This PPG does not contain any portion of the following grants, either because they are ineligible for consolidation under the PPG, or because ME DEP has chosen to retain them as separate categorical grants:

LAND AND WATER -- 604b, 314, 205g, State Revolving Fund

REMEDIATION -- Superfund grants, including the Core grant, Multi-Site I, and Multi-Site II; LUST Trust and DSMOA

B. STRATEGIC PLANNING/PERFORMANCE BUDGETING CONTEXT

1. An Overview of Strategic Planning/Performance Budgeting in Maine

History of Strategic Planning and Performance-based Budgeting – While some bureau/programs had unit strategic plans in place in 1994, Commissioner Sullivan committed to department-wide strategic planning in 1996. Concurrently, Governor King launched and the Maine legislature enacted LD 1790 "An Act to Implement Performance Budgeting in Maine State Government." This legislation set forth a schedule whereby all agencies of Maine State Government would implement a program of strategic planning and budgeting based on measurable objectives, to be in place with approval of Maine's budget for the biennium 2000-2001.

The first milestone under LD 1790 called for the creation of agency strategic plans, an effort DEP had already begun. Because of the complementarity between this effort and EPA's Performance Partnership effort, DEP moved toward implementation of both processes on a parallel track. The department's process proceeded with considerable staff involvement (7 strategic planning teams, totaling 65 staff) to supplement overall guidance by the Commissioner's senior management team and division directors. Day-long management retreats were held on April 18 and May 2; all team members were informed via briefings and routine circulation of draft goals, objectives and strategies; and complete drafts of the emerging strategic plan were circulated on May 15, June 17, July 1, and July 15. The completed Strategic Plan was submitted August 1. That document has served as the basic framework for this Performance Partnership plan.

Public and Legislative Involvement – Input into DEP's strategic objectives began formally with the Maine Environmental Priorities Project (MEPP). This multi-year project prioritized Maine's most at-risk natural resources and issued a report that provided the foundation for the Governor's "Environmental Agenda". Public discussion, debate and feedback on the Governor's objectives began April 8 at an ECO-ECO conference of 90 stakeholders following the Governor's speech. The Agenda, and feedback are the basis for many objectives in the strategic plan.

A 10-member external advisory group, generally representative of DEP's many stakeholder groups, and members of the MEPP Steering Committee has given input and advice on preliminary drafts of the Strategic Plan, and will be advising on the design of a fuller public comment process as part of the on-going strategic planning effort. This same advisory group also reviewed drafts of the Performance Partnership workplan on two occasions, and joined DEP in a joint with EPA staff on this workplan in Westbrook September 11. Members of Maine's Board of Environmental Protection have been briefed three times. Similarly, members of the legislative Natural Resources Committee have commented and offered guidance on the selection of a "pilot" program for performance budgeting purposes.

At the same time, because of the overlap between the development of this PPG and DEP's first-ever Strategic Plan, the amount of public involvement in preparation of specifically this first Performance Partnership per se, has not been as extensive as either EPA or DEP would wish. Accordingly, as we move into the second year of the PPG, we are committed to a process that will involve a wider array of stakeholders earlier in the process.

2. Departmental Mission and Philosophy

(the DEP statement of Mission and Philosophy -- in a separate file -- should be inserted here)

C. NEEDS ASSESSMENT

1. Overview and General Trends

Overview and Process -- The goal of a "needs assessment" or "self-assessment" is to complete an objective examination of the agency's operation, context and progress. The purpose of the assessment, overall, is to inform subsequent discussion of agency priorities, overall program direction and individual program priorities and resulting initiatives. In keeping with our objective of concurrently developing both a department-wide Strategic Plan and the Performance Partnership Grant proposal, DEP opted to up-date and weave together input from several sources, including the Maine Environmental Priorities Project (MEPP), into the needs assessment that follows.

MEPP produced a ranking of statewide environmental priorities through a 2-year process of technical assessment and considerable stakeholder discussion and prioritization. To both update and further the analysis, as part of the PPG/Strategic Planning process, DEP undertook an internal self-assessment. Bureau management teams prepared and presented at a retreat of senior and division management on May 2, 1996, their summaries of DEP's strengths, weaknesses, opportunities and threats, as summarized below.

Environmental Progress -- In all media (air, land, water), significant progress has been made to address the pollutants of the past. In each area, to at least some extent, the predominant source of impacts to the environment is shifting away from large single institutional sources (industry, municipalities) to the day-to-day activities of individuals. This is having a profound impact on program effectiveness, service delivery, and our relationships with the public.

Social, Economic and Political Trends -- Overall, public opinion of the DEP seems to be improving. During the late 1980's and early 1990's the department was under intense criticism for impeding business development, and most of the focus on the department was with permit processing. Today there is less focus on permit processing, and there seems to be more vocal support for environmental protection in the press. The drive to downsize government is still strong, while public expectations of government have in many ways increased. At the same time, there seems to be general recognition that there is a strong link between a healthy economy and a high quality environment, and that one cannot be had at the expense of the other.

Term limits are beginning to have a profound impact. A continuous turn-over in the Legislature is becoming standard, and there are fewer and fewer legislators with institutional memory concerning DEP programs. At the same time, the federal government is striving to be more flexible, to move away from a one-size-fits-all method of oversight. More emphasis on outcome-based planning and priority-setting at the state level is occurring concurrently with increased focus on regional and international issues. Issues that have been traditionally considered global are arising in our backyards. Air transport, water quality problems such as mercury and dioxin, and the deregulation of electric utilities are immediate examples.

Fiscal and Organizational Outlook -- The continuing growth in public expectations places continued stress on DEP's fiscal and organizational resources, particularly in an era of increased programmatic flexibility. The switch from confrontational to collaborative approaches, to increased stakeholder

involvement and public/private partnerships has meant both greater public support and much greater strain on internal DEP resources. This has been true in all program areas, but particularly so in areas of highest public contact and/or controversy, e.g. air quality and solid waste disposal. For those areas particularly, but to some extent throughout DEP, all discussions of strategy must be conducted in light of the realities of tightening if not reduced budgets.

Implications for Strategy -- The above trends have been incorporated into department policy through the Commissioner's 1995 initiative ***"Maine Environment 2000".*** Under this heading, DEP set clear thematic objectives for its efforts (Environmental Excellence; Strong Science; Customer Service; Responsiveness) which guided preparation of the department's reorganization proposals to the Productivity Realization Task Force in the fall of 1995. Preparation of this draft Strategic Plan represents a further formalization of those directives.

As a result, strategies in the areas of outreach and education, pollution prevention, and assisted compliance are favored. Enforcement remains an essential tool for achieving compliance. A strong emphasis has been placed on data management, particularly on developing our GIS capability. In so doing, DEP is both recognizing the trends visible nationally and expanding their utilization in Maine.

2. Bureau of Air Quality

Environmental Progress -- Over the past twenty years, Maine's air quality has improved with respect to the "criteria pollutants" (lead, ground-level ozone, particulate matter, nitrogen oxides, sulfur dioxide and carbon monoxide). Compliance with state and federal laws, which have in the past focused on these criteria pollutants, has likewise improved during this time. Of the nine counties designated by the 1990 Clean Air Act Amendments as nonattainment for ozone air quality, York, Cumberland and Sagadahoc counties in southern Maine are currently the only counties that remain nonattainment and that will retain that designation subsequent to any requests for redesignation.

Today's Most Pressing Problems -- Strong scientific evidence indicates that a significant portion of Maine's remaining air pollution comes from other, upwind states. The air pollution transported into the state may increase due to efforts underway both nationally and regionally to allow greater competition in the electric utility industry, resulting in increased pollution from the less-controlled Midwestern coal-fired utilities.

The abatement of pollutants such as ground-level ozone, hazardous air pollutants, mercury, acid deposition, and fine particulate matter that continue to pose air quality problems in the state is impeded by a shortage of data. Furthermore, proposed new, tighter federal standards for ozone and particulate matter will increase the gap between Maine's air quality and the relevant, new standard.

Auto emissions and other diffuse sources of pollution, which represent a significant portion of Maine's overall annual emissions, are subject to little control and any proposed control strategies face significant public resistance.

Context: Social, Economic and Political Trends -- Although Maine people generally do not regard the state as having an air quality problem, DEP has enjoyed strong stakeholder involvement in its

air regulatory programs. Heavier recent emphasis on reducing automobile emissions has sparked greater public involvement with air quality issues. Between 1977 and 1991, Maine's air program was supported by a strong federal air program, which has since weakened. Maine's term limits law will change the composition of the legislative process, with the result that controversial air quality policies of the recent past can expect to receive future scrutiny. Recent federal trends toward greater flexibility, which have allowed the DEP to revisit traditional strategies, may be countered by an apparent shift in public interest toward stronger environmental protection.

Context: Fiscal and Organizational Trends -- Revenues from license fees will also decrease, as pollutant emissions decrease due to tighter control. Federal and State revenues are also likely to decrease; in the near term, therefore, current staffing and expense levels will continue under significant pressure.

Implications for Strategy -- The increasing complexity of air quality issues, combined with the emphasis on pollution prevention, innovative technical assistance, and other new programs, has required a reassessment of present strategies. To respond, air pollution control strategies are moving towards self audits and disclosure. To improve public understanding of complex air quality issues, increased public outreach and education is needed. Improvements in data management capability, (e.g. electronic submission of monitoring data, and the use of geographic information systems to assess potential emissions scenarios), will allow more efficient use of existing resources.

3. Bureau of Land and Water Quality

Environmental Progress: Water Quality -- Removal of major point sources of pollution has resulted in dramatic improvements in water quality over the last two decades, particularly in rivers and marine waters, due to substantial public and private investments in municipal sewage treatment and industrial wastewater treatment. In the past few years, there has been a slight overall increase in the number of river and stream miles not attaining water quality goals. However, this is probably due to increased monitoring and the use of new data, rather than actual water quality changes. Approximately 448.8 of 31,672 river miles (1.4%) do not fully support the fishable-swimmable goals, and 97.3 miles (0.3%) do not meet designated water quality classification standards. Significant causes of non-attainment include organic enrichment, habitat alteration, bacteria and toxic contaminants.

Looking at limited trend analyses, the water quality of most Maine lakes appears stable. At the same time, however, the number of nonattainment lakes is increasing as new data becomes available. Some of these lakes may have previously undiscovered problems while others may reflect recent pressure from development. Of Maine's 958,886 acres of “significant” lakes and ponds, 69.7% fully support designated uses, 5.0% fully support those uses but are threatened, and 25.2% partially support the uses. There are no Maine lakes assessed as not supporting any designated uses.

As of the end of 1995, there were 238 closed shellfish areas, encompassing approximately 255,608 acres, or 14.1% of all Maine tidal flats and waters. While the number of closed areas has remained the same over the past two years, the affected acreage has decreased slightly. Recent cooperative efforts between DEP, the Department of Marine Resources, and local communities to identify and

remove pollution sources, including overboard discharges and combined sewer overflows, are producing good results in reopening shellfish harvesting areas.

Environmental Progress: Land Use -- The Maine Environmental Priorities Project noted that Maine has seen a "spreading out" in patterns of development in recent decades. These patterns cause nonpoint sources of pollution from development, create fragmentation of the land and consequent loss of habitat, including wetlands. Laws such as the Site Location of Development Law, the Natural Resources Protection Act, and the Shoreland Zoning Act, which were enacted in the past two decades, successfully address the individual impacts from a single development on a case-by-case basis, but are ill-suited to address cumulative impacts from many smaller developments over time.

Today's Most Pressing Problems -- With the major point sources of pollution largely under control, the most pressing remaining problems are likely to be from the cumulative impacts of many sources. Nonpoint sources may be numerous and diffuse, presenting challenges in both identification and control. Airborne contaminants such as mercury may be transported great distances, and must ultimately be addressed through regional and international agreements. Large water pollution control projects, such as new sewage treatment plants to control combined sewer overflows, impose significant cost burdens.

Dioxin contamination is the single most significant cause of non-attainment of major rivers. While fish consumption advisories remain in effect in some rivers, other areas are showing a downward trend in dioxin levels, due to changes in bleaching technology. Mercury contamination, however, is a growing concern following the 1993 fish advisory on all Maine lakes. Future advisories may be issued for all fresh waters, as similar mercury levels have recently been discovered in rivers and streams. While the main source of mercury is believed to be atmospheric deposition, trends in mercury contamination are unknown but assumed to be increasing through increased transport of air emissions from areas without adequate control technologies.

Adequate protection of waterbodies is increasingly understood to require a holistic approach. Traditional chemical-by-chemical or source-by-source strategies will not adequately address the synergistic impacts that factor into the overall quality of a waterbody and aquatic habitat. Closely related to the challenges of waterbody protection, nonpoint sources of pollution and loss of habitat are issues arising from the patterns of land use and the cumulative impacts of many small residential and commercial developments. Here, too, the overall challenge rests with the need to shift emphasis, from single pollutant/single source strategies, to complex, comprehensive and interrelated planning, watershed management, public/private and intergovernmental partnership strategies.

Context: Social, Economic and Political Trends -- There is strong public support for protecting Maine's surface waters. Watershed management enjoys widespread support, as it is driven by public/private partnerships and intergovernmental efforts. There is an increasing level of active participation and volunteerism by citizens, as more tools are made available, such as water quality monitoring. There is an increased demand on DEP for tools, information, "how-to's", and water quality data, from municipalities and the public, at all levels, from elementary education to adult.

Context: Fiscal and Organizational Trends -- In spite of significant public support, the fiscal outlook for DEP land and water programs continues to be extremely tight. Fees from the permits and licensing of regulated activities do not support existing staff. The bureau will be required to seek new sources of funding, potentially in conjunction with seeking delegation of the National Pollution Discharge Elimination System program. To date, the bureau's pollution prevention efforts have been entirely funded by EPA through 1 or 2-year project grants.

In the area of land use, shifts in policy toward nonregulatory methods such as education and outreach have significant fiscal implications. Funding for such efforts must be identified outside the stream of licensing revenues, to ensure that these activities remain in place when the licensing revenues are reduced. Conversely, the loss of licensing revenue and the unavailability of other substitute funding sources will inhibit a program shift to an alternative approach that may be more effective.

Implications for Strategy -- Near-term priorities for rivers, streams and lakes include an emphasis on dioxin and mercury, reinvigoration of the lakes protection program, and the development of a storm water program that includes a regulatory program for new development. Education and outreach strategies will be heavily employed and watershed approaches will continue to be explored wherever possible. In particular, the Penobscot River will be the focus for monitoring and assessment (1996) and licensing (1997); and implementation of the Casco Bay Estuary program will continue to receive strong support. Although the Androscoggin River Watershed Pollution Prevention Project is winding down, the bureau will continue to actively support community and regional efforts throughout the watershed. In addition, the bureau will continue to work with the State Planning Office to quantify the impacts of sprawl on the environment.

4. Bureau of Remediation and Waste Management

Environmental Progress -- Over the past 10 years, a considerable amount of progress has been realized in the many areas of solid and hazardous waste management. The number of non-conforming underground oil storage tanks has declined from over 33,000 in 1986 to about 5,400 today. Since 1980, over 400 unlicensed town dumps were closed. Municipal and industrial solid waste is now recycled or disposed of at 56 licensed landfills and 4 licensed incinerators. Almost 800 sites have been investigated for hazardous waste contamination since 1983. New sites are being reported with decreasing frequency and clean-up work is nearly done at sites posing significant risks to public health or the environment.

Today's Most Pressing Problems -- In contrast to the progress of the recent past, the prognosis for future gains is less assured. There is evidence that increasing amounts of hazardous and solid waste are being generated. In 1985, 348 generators produced about 9,100 tons of hazardous waste; in 1993, 407 generators produced about 12,500 tons. In 1987, about 19 million barrels of crude oil were transferred (ship to ship and ship to shore); by 1995, this total had risen to over 60 million barrels.

Aboveground storage tanks for gasoline and other petroleum products are not subject to stringent spill prevention controls. Liability concerns have chilled the redevelopment of remediated hazardous substance sites and sites perceived to be contaminated. 60 million waste tires in numerous stockpiles around the state pose a significant fire and health hazard.

Context: Social, Economic and Political Trends -- As evidenced by an increase in per capita gasoline and oil consumption, population growth and cheap gas is fueling sprawl and spreading pollution. Liability concerns about "brown" sites with a history of commercial or industrial development is driving new development to rural "green" areas. While "government downsizing" continues to dominate public discourse, public opinion polls continue to show strong support for maintaining and strengthening environmental protection controls.

Context: Fiscal and Organizational Outlook -- Because of reduced state and federal funding of remediation efforts, significant fiscal responsibility and consequent legislative influence has shifted to those regulated communities contributing to DEP's fee-based funds. With continuing declines in state General Funds and some federal programs, clean-up of contaminated sites will increasingly depend on voter approval of bond funding. Cost recoveries for hazardous site clean-up will be smaller, and the State's cost greater, as attention shifts from large sites with a few known responsible parties to "orphaned" sites and sites where responsibility for the contamination is shared by numerous parties.

Implications for Strategy -- Priority areas for FY97 include the management of tire stockpiles and contaminated sites, including additional attention to promoting reuse of remediated (brown field) sites. Efforts to integrate regulatory and non-regulatory pollution prevention programs will continue, education and outreach will be given renewed emphasis, and stakeholders will continue to be invited to participate in policy and rule development. Electronic communication and data processing capabilities will be enhanced, through the use of electronic data submission where possible, and data management through use of geographic information systems.

D. FEDERAL SUPPORT OF THIS PPG

1. General Principles for the State/Federal Relationship

Because they capture well both the spirit and the substance of the collaboration between our agencies that we formalize in this PPG, we have borrowed the following principles from the FY96 Performance Partnership agreement between the Illinois Environmental Protection Agency and EPA Region 5:

- We will work together as partners in a spirit of trust, openness and cooperation and with respect for each others roles.

- We will work to ensure that the State, as the major implementer of state and federal environmental protection programs in its jurisdiction, has the greatest degree of flexibility allowable under existing laws and delegation guidelines based on program performance and environmental progress.

- We will coordinate our work to avoid duplication of effort.

- We will work to ensure that communication is frequent and timely to avoid surprises; that communication within each agency occurs and that efforts are made to ensure that the right method of communication is used and that information reaches the right person.

- We will use and agreed upon dispute resolution process to handle conflicts that are certain to arise as we implement our environmental programs and will treat the resolution process as an opportunity to improve our joint efforts and not as an indication of failure.

- We will acknowledge EPA's role in direct implementation of federal programs and in ensuring that federal programs are carried out in a consistent fashion throughout the region.

- We will work to ensure that staff at all levels are aware of and held accountable for realizing these agreed upon principles.

2. Federal Support for the Air Program

As stated in the general principals, EPA commits to the support of all efforts necessary to achieve the Bureau of Air Quality clean air goals, programs and strategies including the development of a vehicle testing program, a low emission vehicle program, and strategies pertaining to the Canadian Maritime Provinces. EPA will also take the lead in developing and disseminating educational material on the ozone problem, and will seek input from the state air directors regarding support for the North Eastern States for Coordinated Air Use Management prior to making any commitments. EPA will continue to support the Northern Oxford County Coalition.

EPA will also continue to take the lead on the development of ambient air quality standards and their methodologies, as well as on maintaining and assessing collected data. They will also provide expertise and assistance in the periodic analysis of data, continue to lend field equipment for source

monitoring and air quality sampling, endeavor to develop mainframe software so that data repositories are compatible and easy to access, and provide assistance and training in the support of data systems including PCCEMS, AIRS and the Emissions Inventory, and in the use of computer models used in the implementation of the ozone air quality control program and strategies including Mobile 5A. EPA will also continue to support the distant learning network.

The oversight evaluation by EPA will continue as in past years to be conducted as a mid-year grant review.

As stated in the general principles, EPA will commit to working with the state in a team fashion on various projects including corrective actions, licenses, delegations, and enforcement, and will continue to participate in stack testing observations, auditing activities and compliance inspections. In addition, EPA will notify Maine of intended inspections within the state, and agrees to provide the state with phone notification of any criminal investigations within the state.

EPA will provide toxicologist and financial evaluation support, and other expertise on an as-needed basis. And if additional sources of money become available, EPA will strive to provide additional funds to support an increment tracking position with responsibilities that include source inventory, completion of runs made in Class I and II areas and the development of computer mapping of the increment and standards.

3. Federal Support for Land and Water

Because of the number of land and water categorical grants being combined under this PPG, EPA, there are a number of activities in which EPA can support the Bureau's efforts.

Lakes Management -- EPA can support lakes management by supporting DEP efforts to develop lake bioassessment criteria, committing the support EPA staff as available to assist in seasonal lake monitoring, and supporting one mercury deposition monitoring site in Maine.

Rivers and Streams -- EPA New England will continue to support the Bureau's NPDES delegation efforts. Such efforts will include consultation and timely technical, legal and administrative reviews of pertinent documents. In addition, Region 1 will attempt to secure additional planning and/or implementation grants to assist with NPDES program implementation.

EPA will seek expert modeler assistance through EPA Headquarters to help DEP refine its Kennebec River wasteload allocation model. EPA will provide staff to assist DEP with seasonal water quality monitoring in the Penobscot and Kennebec River Basins.

EPA will issue major and significant minor NPDES permits in the Penobscot River watershed in coordination with DEP licensing activities. EPA will support completion of the Salmon Falls River TMDL and work with the states of Maine and New Hampshire on implementation.

EPA New England will assist the DEP, in conjunction with the Army Corps of Engineers and the U.S. Fish and Wildlife Service, in identifying the least environmentally damaging practical alternative for the construction of agricultural irrigation ponds. The State of Maine enacted into law last session a General Permit for Agricultural Irrigation Ponds.

EPA will participate in a QA audit of the water quality laboratory at the University of Maine. In addition, EPA will support travel ($5,000) for regional state staff to attend the New England Association of Biologists annual meeting. EPA will host a regional workshop on toxic data evaluation, risk assessment and the development and implementation of health advisories.

Estuarine and Marine Management -- EPA will help the state to find funding to complete a proposed pilot benthic community study to aid biocriteria development. If funded, the EPA Narragganset Lab would provide technical assistance in carrying out the project. EPA will support implementation of the Casco Bay Comprehensive Conservation and Management Plan as outlined in its commitment letter.

Wetlands Management -- Participate along with the Army Corps of Engineers and the U.S. Fish and Wildlife Service, in the development of the wetlands prioritization plan. Assist, in conjunction with the Army Corps of Engineers and the U.S. Fish and Wildlife Service, in establishing an agreement to develop an expedited federal review process, including the identification of mitigation requirements, for licensing of cranberry wetland alteration projects under the State Programmatic General Permit process. Organize and/or facilitate staff training on wetlands assessment methods.

Ground Water -- EPA New England will participate with DEP staff in development and review of Maine's CSGWPP and in the processes of securing endorsement of the Core CSGWPP and development of a fully-integrating CSGWPP. In addition, EPA will participate with DEP staff in development of the vulnerability and risk assessment methodologies in order to promote consistency among states in the region and understanding of national, regional, and state priorities in assessment of ground water use, value, and vulnerability. EPA New England will support database development and provide input to DEP to ensure that national standards for data entry and QA/QC are met. EPA will also participate with DEP staff in development of educational materials and in education and outreach programs in Maine, as appropriate.

Watershed and Ecosystem Health -- EPA will also serve as an information exchange in the following ways: Provide data where available from within EPA or other outside sources to support Maine's watershed assessment efforts; organize and/or facilitate training workshops, interstate meetings and other forums for increasing our expertise in implementing a watershed management approach.

4. Federal Support for Remediation and Waste Management

As stated in the general principles, EPA will continue to support DEP's Bureau of Remediation and Waste Management (BRWM) in all efforts necessary to achieve the Bureau goals. More specifically, this requires and includes the provision of timely information regarding available resources and competitive grants throughout the year, and periodic phone calls with program staff to discuss various issues.

This commitment to the timely sharing of information also includes timely provision of information regarding proposed changes to the program, opportunities for training, and other activities which could affect Maine's program. EPA also agrees to notify the state program of intended inspections

within the state and agrees to provide the state with phone notification of any criminal investigations within the state.

Specific forms of cooperative effort also include working with the state in a team fashion on various projects including corrective actions, permits, closures, educational initiatives, authorization, and enforcement. EPA will also provide toxicologist and financial evaluation support on an as-needed basis. The oversight evaluation by EPA will continue as in past years to be conducted by Maine staff as a self-assessment end of year review.

If additional sources of money become available, EPA will strive to provide additional funds to replace the inspector position which was lost from Maine's program last year. This value is expected to be approximately $50,000 plus $15,000 in support costs. In addition, EPA will also strive to provide additional funding for an additional corrective action position which will cost $45,000 plus $15,000 in support costs.

E. PREFERRED MANAGEMENT STRATEGIES

DEP uses a number of strategies to accomplish its statutory mission. For this regard, the Department uses an array of tools and select the one or ones that is likely to be the most environmentally effective and efficient, with a strong emphasis on collaboration with outside interested parties. DEP places particular emphasis on developing and using the following preferred management strategies.

1. Education and outreach.

The Department offers education and outreach -- explaining the "what" and "why" -- to help the public understand, support, and comply with environmental laws, and to teach responsible environmental stewardship. Education and outreach is the responsibility of all Department staff on a daily basis and is the cornerstone for minimizing adverse environmental impacts and preventing environmental violations.

The form of educational activities will vary according to the needs of the programs being supported. Activities will range from holding seminars that provide wide segments of the population with general information, to targeting particular facilities, locations, ecosystems, or business sectors. Education and outreach works well to educate the public about new regulatory requirements or to stem the tide of small, commonly observed violations. When a violation is discovered, education on how to come into compliance and prevent recurrence is an integral part of resolving that violation.

Organizationally, the DEP has a department-wide education and outreach group that serves to coordinate functions across bureaus and programs. In addition, while each staff person has some responsibility for education and outreach, each bureau has at least one staff person that coordinates education and outreach activities across the bureau.

There are 15 specific strategies included in this workplan which education and outreach activities are undertaken, in respective goals and objectives. In addition, these are summarized under Goal D: Responsible Management and Stewardship as strategy **D-2-056 Education and Outreach.**

2. Sound science and data management.

Providing Maine citizens with current and reliable information on the status and trends of air and water quality is a central function of the DEP. Strong science and state-of-the-art technology are also essential to effective programs that solve and prevent environmental problems. As we move into greater reliance on benchmarking and measuring program effectiveness in terms of environmental outcomes, good data on environmental quality becomes even more critical. The Department in recent years has fought for and obtained increased funding for environmental monitoring.

Effective data management holds the key to the future, both in terms of how we deliver services to the public, and internal department organization and operations. Increasingly the public is demanding accessible, user-friendly data on the environment. Making this data available can greatly expand the ability of local groups and others to solve environmental problems, and provide

greater predictability to the regulated community. Tools such as GIS and ArcView have proven to be very effective education and information networks. The DEP is committed to continuous improvement of its data management capabilities.

While each bureau and program will undertake specific data management actions under the relevant strategies in this workplan, the overall data management system will receive considerable emphasis and improvement throughout the term of this PPG. Near-term investments in up-grading and decentralizing DEP's capability to utilize GIS-based data management systems are summarized under Goal D's Responsible Management objective, as strategy **D-1-50 GIS-supported license/permit review capability.**

In order to ensure that all data generated under this agreement will be of known and documented quality suitable for their use as environmental indicators, program outputs and other expressions of environmental conditions, DEP will maintain a quality assurance management program. DEP will designate individuals as the Performance Partnership Agreement's Quality Assurance contact(s). These contacts will be responsible for overseeing the generation, evaluation and reporting of data, associated data quality indicators and documentation such that all environmental results reported under the PPA meet the criteria necessary to accurately represent environmental conditions, changes and trends. EPA's New England Quality Assurance Office is willing to work with DEP and other offices implementing components of this agreement by providing guidance, training and technical support.

3. Compliance and enforcement.

A strong and credible compliance and enforcement presence is vital to the success of regulatory programs. Individuals and businesses should not obtain an economic advantage by virtue of their noncompliance. Instances of non-compliance must be discussed, and corrected in order to prevent, abate, and control pollution of Maine's air, water and land to preserve, improve and prevent diminutive of Maine's natural environment. Equally important is that penalties, including criminal sanctions, be assessed consistently and when warranted.

DEP's compliance and enforcement approach contains the following elements:

Adequate compliance monitoring capacity. DEP ensures that its compliance and inspection programs are sufficiently staffed and managed to identify environmentally significant noncompliance, and that its field presence is sufficiently visible and effective to encourage compliance and deter noncompliance.

Adequate capacity for enforcement response. DEP's statutory and regulatory authority, and penalty policies, are designed to ensure that enforcement is applied fairly and appropriately, any economic benefit of noncompliance is neutralized, and that penalties are appropriate to the risk and the history of the violator. To accomplish this task, the DEP has completed policies on Supplemental Environmental Projects and Small Business Compliance Incentives, is completing a compliance policy which weaves together traditional and innovative compliance approaches, and will continue to explore the use of innovative enforcement tools such as on-site citations.

Communications with EPA. DEP will work with EPA to identify enforcement priorities and ensure that state and EPA enforcement activities are complementary and coordinated. DEP and EPA will communicate regularly on compliance and enforcement matters, including maintenance and improvement of enforcement data bases, accomplishments and enforcement trends.

Complementarity with other tools. Education and outreach, including training and collaborative problem-solving, can be highly effective means to achieve compliance and avoid the need for enforcement. DEP will continue to maximize the use of these tools to achieve compliance in a way that complements inspections and compliance monitoring activities.

Multimedia Inspection and Enforcement Capacity. DEP coordinates enforcement actions through the Office of the Commissioner to ensure effective multimedia planning and efficiency. In addition, DEP is working with other state agencies, such as the Department of Agriculture and Maine Forest Service, to coordinate compliance and enforcement activities.

4. Innovation, Technical and Business Assistance.

In a field that is changing as rapidly as environmental protection, new solutions often are found to be more effective in solving today's and tomorrow's problems. The Department strives to create a culture where innovation, creativity and new ideas are fostered and encouraged. In this context, partnerships with industry associations and trade groups have enabled the department to offer technical assistance programs and thereby extend its reach to smaller businesses.

The department's newly strengthened Office of Innovation and Assistance (OIA) is the focal point for this effort, assisted by both a central staff and "team leaders" in each of the bureaus. Like the education and outreach program, this effort relies heavily on the efforts of individual staff throughout the department to recognize opportunities for pollution prevention and technical assistance. Industry-specific efforts are underway to target pollution prevention and technical assistance programs to the needs of specific sectors, for example the metals industry and, in 1996-97, petroleum retailers. These efforts are all aimed at bringing participating companies beyond the requirements of full compliance to "Environmental Excellence".

The OIA and Bureau Team Leaders provide overall coordination and support for the state's role in implementing the Environmental Leadership Program, Project XL, Star Track and other environmental management and regulatory flexibility initiatives. Department-wide pollution prevention training, coordinated on-site assistance, and the OIA coordinates closely with the Compliance and Education & Outreach Team Leaders to ensure a coordinated approach to all initiatives.

Specific pollution prevention strategies are integrated into bureau's efforts to realize their specific objectives, throughout the workplan (see for example objectives B-1, B-2 and B-3). In addition, DEP's array of "Environmental Excellence" offerings are summarized under Goal D's Environmental Stewardship objective as strategy **D-2-054 Voluntary compliance and "Environmental Excellence".**

II. PERFORMANCE PARTNERSHIP WORKPLAN

A. CLEAN AIR

Issue Statement: Although "clean air" is one of the attractions of the State of Maine, the State does in fact have some significant air quality problems. In the past, the State exceeded acceptable levels for particulates, sulfur dioxide, carbon monoxide and ground-level ozone, but the department's subsequent control strategies were successful in achieving attainment for all of the pollutants except ground-level ozone in the southern portion of the State. Future efforts will focus on: 1) achieving attainment of ground-level ozone standard by 1999, 2) maintaining all other existing air quality standards, and 3) achieving reductions of 212 hazardous air pollutants, including mercury, for which no standards currently exist. The department will also continue to expand its knowledge on air pollution source contribution with their corresponding impact on Maine's air quality. These sources include *transported air pollution* from other states; *instate area sources*, such as vehicles, painting and surface coating operations; and *instate stationary sources*, such as mills or factories. The variety of sources, limited knowledge and other complex air quality issues have resulted in the need to improve customer understanding through increased public outreach and education, pollution prevention and compliance assistance.

GOAL A: CLEAN AIR

GOAL: To ensure and enhance the continued health, safety and general welfare of all citizens of the State, so that everyone can breathe clean air every day of the year, in every part of the State. To protect plant and animal life as well as property from air contaminants created by human-derived air polluting activities of every type, and to render our air, land and waterways free from harmful levels of air contaminants.

A-1: Measurable Objective: Ground-level Ozone

By 1999[1], ground-level ozone and its precursors, nitrogen oxides and volatile organic compounds, will be reduced to levels needed to meet and maintain the state/federal outdoor air quality standard of 0.12 parts per million within the entire State of Maine.

ωOutcome Measures: (a) outdoor (ambient) ozone and ozone precursor monitoring; (b) modeling results; (c) emissions inventory (tons of pollutants/year); (d) number of exceedances/year (see below)

Background: Ground-level ozone is formed through a chemical reaction in the presence of sunlight between volatile organic compounds and nitrogen oxide, which are known as ozone precursors. Presently, the State of Maine has nine counties classified as areas that do not have acceptable levels of ozone in the air. Seven of these counties (York, Cumberland, Sagadahoc, Kennebec, Knox, Lincoln and Androscoggin) are classified as moderate non-attainment, while Hancock and Waldo counties are classified as marginal non-attainment. The Bureau of Air Quality is petitioning the U.S. Environmental Protection Agency to change the classification status to attainment for Hancock, Waldo, Knox, Lincoln, Kennebec and Androscoggin counties. Obtaining

[1]EPA acceptance of the 1999 attainment date is conditioned on submission of an approvable overwhelming transport demonstration.

attainment status depends on the number of exceedances monitored over a period of time. The calculation of the exceedances and the resulting classification is based on a procedure referenced in 40 Code of Federal Regulations, Part 58.

The ground-level ozone objective and the 1999 target date are derived from Governor Angus King's "Environmental Agenda" and are based on the federal deadline for Maine's up-wind neighbors, which are in "serious" non-attainment of the federal ozone standard. Maine's statutory deadline for meeting this standard in southern counties of the state is November 1996. Due to the transport of pollutants from up-wind states, however, this goal is not achievable.

Determining success in achieving the objective is based on ground-level ozone monitoring data, the compilation of data on emissions from sources of volatile organic compounds and nitrogen oxides, and modeling results. The state network of ozone monitors and the database on emissions from sources of volatile organic compounds and nitrogen oxides provide historic and current information on ozone levels in the state. A non-controllable variable that affects the success in achieving this objective is the weather. Weather conditions such as high temperatures increase the amount of ozone formed, which leads to more exceedances and in unacceptable levels of ozone.

A-1-001 Non-regulatory programs. Develop and implement a public education, pollution prevention and innovative-technology assistance program that targets ground-level ozone and the control of its precursors, nitrogen oxides and volatile organic compounds, in order to meet or maintain the state/federal outdoor air quality standard of 0.12 parts per million within the entire State of Maine.

Actions:

Outreach activities.

→ Increase public awareness and stewardship on air quality issues through workshops and other programs, including interactive television programs, public fairs and other special events, public service announcements, stakeholder workshops, distribution of materials through printed media and the internet.

→ Collaborate with other organizations, e.g., EPA, NESCAUM, Earthminders, the Northern Oxford County Coalition, to educate the Departments' customers and promote emission reductions.

→ Optimize pollutant reduction through pollution prevention targeted at industry.

→ Promote reduction in mobile source emissions through implementing legislative recommendations on reformulated gas, promoting eco-tourism and Clean Cities/Green Corridors, E-Vermont, and other programs.

A-1-002 Monitoring and database development. Continue to monitor outdoor air for ground-level ozone and its precursors, nitrogen oxides and volatile organic compounds, through a statewide network of air quality monitors, and continue to maintain the database on the nitrogen oxides and volatile organic compounds that are released from new and existing area, point and mobile sources.

Actions:

Monitoring network.

→ Maintain an effective ozone and ozone precursors monitoring network.

→ Purchase monitor equipment replacement and update the equipment inventory/assessment as part of the five-year monitor replacement program.
→ Operate an approved PAMS air monitoring network that includes sufficient training for staff and the establishment of approved sites to compete the network and submit air quality, meteorological and quality assurance data to AIRS.
→ Update PAMS data analysis plan and PAMS QA plan and implement plans as per approved schedule.
→ Continue reporting of major point source emissions data, as well as NAMS/SLAMS air quality data, in AIRS.

Databases and data management.
→ Work with EPA to establish state/EPA agreements concerning data management systems. Determine baseline from databases.
→ Continue the emissions inventory.
→ Participate in the Emissions Inventory Improvement Program's Data Delivery Project (designed to improve data in emissions inventories).

Modeling.
→ Assist in the development of improved emissions factors for incorporation into AP-42 Emissions Factor Manual.

A-1-003 Regional emissions transport. Identify and implement regional strategies to reduce ground-level ozone and its precursors, nitrogen oxides and volatile organic compounds, transported from out of state, in order to meet or maintain the state/federal outdoor air quality standard of 0.12 parts per million within the entire State of Maine. Strategies will include collaborative efforts with federal, state and other governmental agencies, particularly the Ozone Transport Commission, the Ozone Transport Assessment Group and NESCAUM.

Actions:
Intra-agency coordination.
→ Actively participate in the Ozone Transport Advisory Group and Ozone Transport Commission, and coordinate regional control strategies with upwind states.

Modeling and assessment.
→ Use ambient air quality databases, emissions inventories and meteorological data in modeling and assessment of pollution transport.
→ Complete and submit to EPA an overwhelming transport demonstration.

A-1-004 In-state reductions. Reduce through regulatory programs, market-based strategies, and voluntary measures the amount of nitrogen oxides and volatile organic compounds that are released from new and existing area, point and mobile sources, in order to meet or maintain the state/federal outdoor air quality standard of 0.12 parts per million for ozone within the entire State of Maine.

Actions**:**
Federally enforceable state operating permit program.
→ License sources and implement the federally enforceable state operating permit program. Conduct compliance/enforcement.

→ Implement a Title V program that is consistent with EPA implementation guidance, and integrate it with other EPA/state initiatives (e.g. pollution prevention) where feasible.
→ Modify Title V program as needed to ensure full EPA approval within 18 months of EPA's interim approval.
→ Ensure that the Title V program is sustained by an adequate fee program.
→ Secure delegation of all outstanding NSPS and MACT/NESHAP standards for those source categories for which Title V sources exist in the State.
→ Complete source-specific VOC and NOx RACT orders or agreements that are listed in EPA Region 1's May 22, 1996, guidance on Strategic and Program Priorities for Fiscal Year 1997, as well as NOx and VOC orders or agreements obligated pursuant to the 1990 Clean Air Act Amendments.

Standards evaluation and development.
→ Conduct rulemaking including Section 111(d) rules and plans for existing Municipal Solid Waste (MSW) landfills, MSW Combustors, and Medical Waste Incinerators.
→ Begin preparations for a possible new standard for ozone.

Compliance.
→ Implement the State's 15% Rate of Progress Plan.
→ Implement mandatory and voluntary Stage II programs and submit an analysis demonstrating reductions equivalent to Stage II vapor recovery requirements.
→ Implement regulations pertaining to consumer products.

Mobile source program.
→ Develop and submit an EPA-approvable SIP revision for a Low Emission Vehicle program unless a National Low Emission Program is found equivalent and implemented.
→ Develop and submit an EPA-approvable SIP revision for an auto testing program.
→ Submit transportation and general conformity SIP revisions.

New Source Review Program.
→ Conduct and revise, if needed, New Source Review Program to meet EPA's New Source Review reform package.

Acid rain program.
→ Ensure that all acid rain affected facilities (including sources opting into the acid rain program) have CEMS in place and are operational before issuance of an air emission license. For new acid rain units, review monitoring plans, conduct certification test observations, review certifications application test report and recommend approval/disapproval within 75 days. For existing acid rain units, observe recertification tests and ongoing relative accuracy test reports and recommend approval/disapproval within 45 days.

A-2: Measurable Objective: Outdoor Air Quality Standards

By 2005, Maine's existing outdoor air quality standards for lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, fine particulate matter, toluene, and perchloroethylene will be met and maintained.

ωOutcome Measures: (a) outdoor (ambient) monitoring; (b) modeling results; (c) emission inventory (tons of pollutants/year).

Background: In the past, the air quality in parts of the State exceeded the standards for particulates, sulfur dioxide, and carbon monoxide. Control strategies developed by the department have allowed these standards to be met. Maintenance of strategies to continue meeting the standards are essential to the continued protection of public health and the environment, as well as necessary to achieve the objective. Determining success in achieving the objective will be based on the ambient monitoring database and by applying a methodology for determining exceedance contained in state law (Title 38, Chapter 4 of the Maine Revised Statutes Annotated). The outcome of this objective depends on the ability to control out-of-state sources of air pollutants.

This objective is derived from the federal Clean Air Act requirements and state law, while the 2005 target date is based on department judgment in light of the above factors. The objective also includes standards for particulates, sulfur dioxide, and nitrogen oxide that allow only incremental increases in outdoor concentrations over existing levels and has been written so as to allow the incorporation of any new outdoor air standards that may be established by either federal or state law.

A-2-005 Non-regulatory programs. Develop and implement a public education, pollution prevention and innovative technology assistance program that targets lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, fine particulates, toluene, and perchloroethylene emissions, in order to meet or maintain the state air quality standard for each pollutant within the entire State of Maine.

Actions:

Outreach activities.

→ Increase public awareness and stewardship on air quality issues through workshops and other programs, including interactive television programs, public fairs and other special events, public service announcements, stakeholder workshops, distribution of materials through printed media and the internet.

→ Collaborate with other organizations, e.g., EPA, NESCAUM, Earthminders, the Northern Oxford County Coalition, to educate the Departments' customers and promote emission reductions.

→ Optimize pollutant reduction through pollution prevention targeted at industry.

→ Promote reduction in mobile source emissions through implementing legislative recommendations on reformulated gas, promoting eco-tourism and Clean Cities/Green Corridors, E-Vermont, and other programs.

A-2-006 Monitoring and database development. Continue to monitor outdoor air for lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, fine particulates, toluene, and perchloroethylene through a statewide network of air quality monitors, and continue to maintain the database on these pollutants that are released from new and existing area, point and mobile sources.

Actions:

Databases and data management.

→ Maintain air quality ambient monitoring database.

→ Participate in the Emission Inventory Improvement Program's Data Delivery Project (designed to improve data in emissions inventories).

Monitoring network.

→ Continue trend monitoring.
→ Purchase monitor equipment replacement and update the equipment inventory/assessment as part of the 5 year monitor replacement program.
→ Begin assessment of fine particulates and preliminary development of fine particulate monitoring for a new NAAQS, including the establishment of two PM fine monitoring sites.
→ Operate an approved NAMS/SLAMS air monitoring network with a minimum of 75% data capture, air quality precision and accuracy data to AIRS within 90 days of the end of each quarter and submit an annual SLAMS network review.
→ Continue assessment activities with NAMS/SLAMS/SPM data. Continue reporting of major point source emissions data, as well as NAMS/SLAMS air quality data, in AIRS.

Modeling.

→ Work with EPA to develop improved emission factors for incorporation into AP-42 Emission Factor Manual.

A-2-007 Regional emissions transport. Identify and implement regional strategies to reduce emissions of lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, fine particulates, toluene, and perchloroethylene transported from out of state, in order to meet or maintain the state air quality standard for each pollutant within the entire State of Maine. Strategies will include collaborative efforts with federal, state and other inter-governmental agencies.

Actions**:**

Operate base program.

→ Conduct licensing activities, compliance and stack testing activities.
→ Conduct enforcement activities as appropriate.

A-2-008 In-state reductions. Reduce through regulatory programs, market-based strategies, and voluntary measures, the amount of lead, carbon monoxide, sulfur dioxide, nitrogen dioxide, fine particulate matter, toluene, and perchloroethylene emissions that are released from new and existing area, point and mobile sources, in order to meet or maintain the state air quality standard for each pollutant within the entire State of Maine.

Actions:

Federally enforceable state operating permit program.

→ License sources and implement the federally enforceable state operating permit program. Conduct compliance/enforcement activities and stack testing as appropriate.
→ Implement a Title V program that is consistent with EPA implementation guidance, and integrate it with other EPA/state initiatives (e.g. pollution prevention) where feasible.
→ Modify Title V program as needed to ensure full EPA approval within 18 months of EPA's interim approval.
→ Ensure that the Title V program is sustained by an adequate fee program. Secure delegation of all outstanding NSPS and MACT/NESHAP standards for those source categories for which Title V sources exist in the State.

→ Complete source-specific VOC and NOx RACT orders or agreements that are listed in EPA Region 1's May 22, 1996, guidance on Strategic and Program Priorities for Fiscal Year 1997, as well as NOx and VOC orders or agreements obligated pursuant to the 1990 Clean Air Act Amendments.

New Source Review.

→ Conduct and revise, if needed, New Source Review program to meet EPA's New Source Review reform package.

→ Review new source performance standards and notify EPA of delegation intentions.

Acid rain program.

→ Ensure that all acid rain affected facilities (including sources opting into the acid rain program) have CEMS in place and are operational before issuance of an air emission license. For new acid rain units, review monitoring plans, conduct certification test observations, review certifications application test report and recommend approval/disapproval within 75 days. For existing acid rain units, observe recertification tests and ongoing relative accuracy test reports and recommend approval/disapproval within 45 days.

A-2-009 Standards setting. Develop and implement new air quality standards necessary to protect public health, safety and welfare, as indicated by outside air monitoring results, and the assessment of federal rules and health impact studies.[2]

Actions:

New standards.

→ Prepare Section 111(d) rules and plans for existing Municipal Solid Waste (MSW) landfills, MSW Combustors, and Medical Waste Incinerators.

→ Begin preparations for a possible new fine particulate standard by conducting fine particulate monitoring at two sites in order to obtain concrete data about impact of fine particulate.

A-3: Measurable Objective: Non-criteria Pollutants

By 2005, implement all federal control requirements and a voluntary program in order to reduce total mass emissions of non-criteria pollutants, as listed in Chapter 137 of the department's regulations, by 25% based on 1996 baseline data.

ωOutcome Measure: emission inventory, updated every two years, which tracks the total mass emissions of non-criteria pollutants, in terms of tons/year.

Background: Non-criteria pollutants, as used in this objective, include a wide variety of substances in the air that have the potential to be hazardous to public health or the environment. Sources of these pollutants include industrial point sources, area/mobile sources and out of state transport. The Department has listed 212 non-criteria pollutants, including mercury, in Chapter 137 of the department's regulations. Limited health knowledge, public exposure information, and

[2]EPA is currently reviewing the national ambient air quality standards for ozone and particulate matter along with a program for the control of regional haze. The new standards are slated to be proposed during November of 1996, with final standards promulgated in June of 1997. Although the extent of Maine's nonattainment problem is not expected to significantly increase, the promulgation of these standards will require the assessment of Maine's air quality, along with the development of any necessary implementation plans to meet these new standards.

emissions data on source type, actual outdoor air levels and out of state transport are available on these listed pollutants. Once DEP has developed a sound air toxics emissions database, DEP will asses the 20% reduction goals in order to determine whether a more ambitious goal is reasonable.

This objective is derived from Clean Air Act requirements and department regulations, while the 2005 target date is based on department judgment. The measure of success used to evaluate this objective is the amount reduced as demonstrated by the emission database, which needs to be established. Much of the department's ability to achieve success under this objective is also dependent upon federal rule making, for example federal rulemaking pertaining to MACT on pulp and paper technologies, surface coating and painting technologies.

A-3-010 Non-regulatory programs. Develop and implement a public education, pollution prevention and innovative technology assistance program that targets non-criteria pollutants, as listed in Chapter 137 of the department's regulations.

Actions:

Outreach activities.

→ Increase public awareness and stewardship on air quality issues through workshops and other programs, including interactive television programs, public fairs and other special events, public service announcements, stakeholder workshops, distribution of materials through printed media and the internet.

→ Collaborate with other organizations, e.g., EPA, NESCAUM, Earthminders, the Northern Oxford County Coalition, to educate the Departments' customers and promote emission reductions.

→ Optimize pollutant reduction through pollution prevention targeted at industry.

→ Promote reduction in mobile source emissions through implementing legislative recommendations on reformulated gas, promoting eco-tourism and Clean Cities/Green Corridors, E-Vermont, and other programs.

A-3-011 Monitoring and database development. Develop a monitoring program and compile a database on non-criteria pollutants, as listed in Chapter 137 of the department's regulations.

Actions**:**

Monitoring network.

→ Operate an approved PAMS air monitoring network that includes sufficient training for staff and the establishment of approved sites to compete the network and submit air quality, meteorological and quality assurance data to AIRS.

→ Update PAMS data analysis plan and PAMS QA plan and implement plans as per approved schedule.

A-3-012 In-state reductions. Reduce by 25% the mass emissions of non-criteria pollutants, as listed in Chapter 137 of the department's regulations, that are released from new and existing area, point and mobile sources, through the implementation of federal control requirements, market-based strategies and voluntary measures.

Actions**:**

Compliance program. Conduct compliance inspections.

Federally enforceable state operating permit program.

→ Implement MACT through Title V licenses. Implement a Title V program that is consistent with EPA implementation guidance, and integrate it with other EPA/state initiatives (e.g. pollution prevention) where feasible.

→ Modify Title V program as needed to ensure full EPA approval within 18 months of EPA's interim approval.

→ Ensure that the Title V program is sustained by an adequate fee program. Secure delegation of all outstanding NSPS and MACT/NESHAP standards for those source categories for which Title V sources exist in the State.

→ License sources and implement the federally enforceable state operating permit program. Review EPA's final MACT standards and notify EPA of its delegation intentions.

→ Review the final 112(r) program (regarding chemical accidental release prevention) and notify EPA of any intention to take delegation and any outreach efforts.

New standards.

→ Prepare Section 111(d) rules and plans for existing Municipal Solid Waste (MSW) landfills, MSW Combustors, and Medical Waste Incinerators.

→ Participate in national development of new MACT standards by reviewing EPA-proposed MACT standards relevant to Maine, identifying affected sources and identifying any potential problems with proposed standards.

Air toxics reduction. Participate in the Northern Oxford County Coalition.

Acid rain program.

→ Ensure that all acid rain affected facilities (including sources opting into the acid rain program) have CEMS in place and are operational before issuance of an air emission license. For new acid rain units, review monitoring plans, conduct certification test observations, review certifications application test report and recommend approval/disapproval within 75 days. For existing acid rain units, observe recertification tests and ongoing relative accuracy test reports and recommend approval/disapproval within 45 days.

A-3-013 Regional emissions transport. Identify and implement regional strategies to reduce emissions of non-criteria pollutants, particularly mercury[3], as listed in Chapter 137 of the department's regulations, transported from out of state. Strategies will include collaborative efforts with federal, state and other governmental agencies.

[3]See also strategy B-1-016.

II. PERFORMANCE PARTNERSHIP WORKPLAN

B. LAND AND WATER QUALITY

Issue Statement: Maine is uniquely blessed with an abundance of water resources. Few places in the country have the wealth of lakes, coastal areas, wetlands, and rivers that are to be found here. Maine citizens and visitors value place a high value on these resources and are actively involved in their protection. The greatest need for the protection of these resources is to manage the land uses adjacent to them wisely, with the aim of finding a sustainable balance between these natural resources and the human activities on and adjacent to them.

The Bureau of Land and Water Quality's preferred management tools, which cut across all objectives, are: 1) watershed management; 2) education and outreach; 3) scientific development and data management; and 4) piloting new and innovative approaches to solve problems.

GOAL B. LAND AND WATER QUALITY

To ensure that land and water resources are protected, restored and enhanced as ecological systems supporting both the natural world and human activities, and to ensure that all waters of the state meet or exceed their classification standards.

The first part of this goal pertains to the land use laws the department administers, as well as to emerging concepts of watershed management. The language itself was developed by the Land Bureau (before the Land and Water Bureaus were merged) to reflect the bureau's understanding of the public's and the Legislature's expectations of the department in implementing the laws. The emphasis is on finding a sustainable balance between natural resources and the human activities in and adjacent to them. The second part of the goal comes directly from language in the federal Clean Water Act and the State's water quality laws.

B-1: Measurable Objective: Lakes and Ponds

By 2005, the overall trophic state of Maine lakes will be stable or improving.[4] Continue and improve monitoring for toxics contamination in lakes so that measurable objectives may be set.

Note: Trophic state is the fertility of a lake as measured by the amount of nutrients and vegetation in the water. A lake's fertility directly influences the frequency and severity of algae blooms, water clarity, and amount of dissolved oxygen.

ωOutcome Measures: (a) the overall trophic state of Maine lakes; (b)toxics levels (current information insufficient to set measures).

Background: Overall, lake water quality is declining. Recent modeling by the Department indicates that around 160 lakes will suffer significant worsening of their trophic status in the next 25 years if we continue with the status quo and if development in the lake watersheds occurs as projected. The implementation of recently -enacted laws to regulate storm water and erosion from new development will slow this trend. However, long-term lake protection requires interlocal

[4]Using the draft 1996 State of Maine Water Quality Assessment (305(b) Report) as a base line.

watershed management, to address existing development, agriculture, forestry, and roads, as well as other sources such as malfunctioning septic systems.

In his "Environmental Agenda", the Governor stated a goal that "10% of the lakes in nonattainment will be in attainment by 2005."[5] However, in work group discussions at the April meeting of the MEPP, and subsequent discussions within DEP, the department recommended that this objective be modified as above, for the following reasons. Our predictive capability with lakes is low. Lakes are extremely complex systems. They are impacted by the synergystic effects of many different stressors, and unlike rivers, which respond rapidly to treatment technology improvements on point sources, they are very slow to recover. The DEP was also concerned that an objective such as "10% of the lakes in nonattainment will be in attainment by year X" would tend to drive a prioritization that focused on a "beauty contest" of a few lakes selected because they may enable quick results, to the general detriment of Maine lakes as a whole. It is important that the objective support prevention as well as restoration. This is an objective over which the DEP has limited control but significant influence. Successful attainment of this goal will depend on changing attitudes and habits so as to modify human activities in lake watersheds.

DEP is required by law to report biennially on the status of the State's waters (Federal Clean Water Act Section 305(b)). The information is partly based on water quality monitoring (by the department and by citizen volunteers), and partly based on knowledge of the presence of point and nonpoint sources. It is important to note here that measuring water quality improvements was easier over the past 20 years than it will be over the next twenty. With the major problems from single sources largely under control, the remaining problems are more subtle, slower to respond, more diffuse, and often more costly.

B-1-015 Address nonpoint sources of pollution--runoff, sediment and ground water (including stormwater management and erosion control). Address nonpoint sources of pollution through development and implementation of standards, monitoring and assessment, educational and technical assistance, and provision of grants and loans (for example, to replace malfunctioning septic systems).

Actions

Develop a long-term lakes protection strategy. Consistent with the course set by the Great Ponds Task force, develop, by 7/1/97 with outside stakeholders, a long-term strategy for lakes protection that includes the following:

- → By 1/1/97, a draft lakes protection strategy is developed
- → By 2/1/97, regulations governing storm water runoff from new development are proposed to the legislature
- → By 7/1/97, a storm water permitting program is in place
- → Re-establishment of the lakes program, with an emphasis on education and outreach. A proposal is submitted to the Legislature by 2/1/97
- → By 3/1/97, a plan for strengthening the science of lakes protection
- → A goal of establishing inter-local watershed management programs in priority lake watersheds

[5]The Governor's written text said 2005. However, when he spoke he said the year 2000.

Monitoring and assessment. Enhance the volunteer monitoring program. Continue to develop and implement tools to assess lake processes (biological assessment and dissolved oxygen modeling), vulnerability and value. Continue mercury monitoring.

Continue work on 21 lakes listed in 303(d) as "priority". In these lake watersheds, assess existing and potential sources of pollution (point sources AND nonpoint sources) to lakes using watershed surveys and other assessment approaches (see also the Ecosystem/Watershed objective), and develop management plans to achieve the proposed allocations. See attached list of lakes targeted for submission of a TMDL this FY.

Implement the nonpoint source program.

Actions:

Implement the 319 Nonpoint source program, through actions to prompt, encourage, and support widespread implementation of water quality BMPs to abate or prevent nonpoint sources of water pollution:

→ Incorporate the watershed prioritization strategy into the NPS Management Plan.

→ Provide statewide *information & education* including both general education concerning the need for environmental protection and specific information concerning how to comply with environmental standards and licensing requirements.

→ Provide and coordinate statewide *technical transfer* training to targeted to groups of people involved in land use activities, particularly code enforcement officers, road commissioners, contractors, state agency staff, municipal officials, etc.). Training will be directed at encouraging usage of water quality BMPs. This includes conducting a minimum of 20 training workshops per year coordinated through the Nonpoint Source Training & Resource Center.

→ Provide statewide *technical assistance* services to state & regional agencies, towns officials, consultants, contractors and individuals: Develop local support for implementation of nonpoint source controls; Assist in land use planning and regulation, particularly at the municipal level, including, but not limited to: assistance with comprehensive plan development, ordinance formulation, resource evaluation, watershed phosphorus allocations and review of specific project proposals; Assist in selection, design, construction oversight and maintenance of BMPs to address specific nonpoint sources; Provide guidance, training and direct on site consultations for BMP users (e.g. road crews, code enforcement officers, engineering consultants, construction and forestry contractors, farmers); Coordinate with EPA on program development and implementation.

→ Maintain and update BMP guidance information documents distributed by MDEP;

→ Administer the *NPS Implementation Grants Program* to provide and oversee financial assistance to help support sponsors of local, focused NPS Implementation Projects. The primary objective of these projects is to reduce or prevent the pollutant load entering water resources from the identified nonpoint sources so that beneficial uses of the water resources are maintained or restored. Priority for selection for the FFY97 award RFP process is "watershed projects", "watershed resource restoration projects" and eligible NPS actions planned under the CCMP for the CBEP. The FFY98 RFP will identify watershed priorities as established through Strategy B-6-027.

B-1-016 Address nonpoint sources of pollution--loadings from air. Develop a strategy for dealing with certain types of loadings from air.

Actions:

Mercury Strategy. The Bureau of Land and Water Quality, jointly with the Bureau of Air Quality Control, will jointly develop a mercury strategy by 10/1/96.

B-2: Measurable Objective: Rivers and Streams

By 2005, reduce by 65 miles the portions of Maine rivers and streams that do not meet fishable/swimmable or other applicable water quality standards as a result of a decrease in pollutants from combined sewer overflows (CSOs) and other sources, excluding dioxin.[6] By 2000, have no Maine river under a fish consumption advisory due to dioxin.

ωOutcome Measures: (a)miles of rivers and streams meeting fishable/swimmable or other applicable water quality standards, excluding dioxin; (b)presence of fish consumption advisory due to dioxin.

Background: In general, lakes are primarily impacted by nonpoint sources, rivers by point sources. The first sentence of this objective deals with impairment of rivers and streams that is not related to dioxin. Of the 448 river miles that do not fully support fishable-swimmable goals, 238 miles are due to fish consumption advisories for dioxin in fish tissue. The second most significant source is combined sewer overflows, and a third significant source is hydropower impoundments. The costs involved with each of these sources is very high. Most communities with CSOs in Maine currently have CSO abatement plans in development or in place at various stages of implementation.

Full implementation may take as long as 15 to 20 years. Our ability to predict the response of the rivers once point source technologies are put in place is relatively high. 65 miles is about 20% of the total river miles that are in nonattainment from problems other than dioxin, and was felt by the DEP staff to be an ambitious but achievable objective in light of the above factors. The second sentence of this objective was established by the Governor and is an interim step toward his long term goal of eliminating the discharge of dioxin. This interim objective -- removing fish advisories by 2000 -- is an achievable one if the paper mills that discharge to these rivers implement new federal BAT or EPA defined "Advanced Technology by 1998. The response time of dioxin levels in fish tissue to technology improvements in the paper mills has been fairly rapid (2 to 3 years).

DEP's control over the achievement of this objective is reasonably high. DEP can better control -- and predict -- changes to water quality from point source controls than from nonpoint source controls. However, it is important to note that the objective measure is based upon current, limited information. As more monitoring is conducted, it can be expected that additional problems will be discovered.

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[6]Using the draft 1996 State of Maine Water Quality Assessment (305(b) Report) as a base line. Approximately 448.8 of 31,672 river and stream miles (1.4%) do not fully support fishable-swimmable goals, and 97.3 miles (0.3%) do not meet designated water quality classification standards.

As required by statute, DEP regularly monitors rivers with fish consumption advisories for presence of dioxin in fish tissue, and report such findings annually. Also, under the Surface Waters Ambient Toxics Monitoring Program (SWAT), comprehensive water quality monitoring of a different major river watershed is conducted each year, ensuring that each of the five river watersheds are monitored in the course of a 5-year cycle. Each river is sampled and analyzed the year prior to the point source licensing cycle for that river.

B-2-017 Control point source discharges. Control point source discharges through licensing, monitoring and assessment, educational and technical assistance, and provision of grants and loans.

Actions***:***

Dioxin Strategy. Develop and implement a strategy to achieve the Governor's interim goal of lifting the fish consumption advisories due to dioxin by 2000 and his ultimate goal of eliminating the discharge of dioxin. including:

→ Adoption of state rules, establishing a risk level and compliance schedule for dioxin.
→ Development of strategies with individual mills to achieve goals.
→ Submission of a proposal to the Legislature by 1/1/97 to continue the dioxin monitoring program.
→ A technology conference by summer 1997 to explore dioxin elimination in the multi-media context of "minimum impact mills".
→ Modification of all permits to include non detect at the bleach plant by 1998 at the latest, starting with Lincoln in 1996 and other Penobscot watershed mills in 1997.
→ Convening of a stakeholder group to (a) help influence development of the Federal incentive plans under the cluster rule and (b) develop a state incentive plan.

NPDES delegation -- With the assistance of a stakeholders group, DEP will pursue delegation of the NPDEs program in FY 1997, including:

→ Seeking legislative authority for substantive changes to the water laws.
→ Pursuing an increase in licensing fees to support current and additional staff.
→ Working with the Attorney General's office to put together the necessary program elements to submit to EPA.

Paper mill licensing.

→ By 7/1/97, all paper mills in the state will be operating under current waste discharge licenses.

Monitoring and assessment. During the 1997 field season, DEP will complete monitoring on the Penobscot River, and conduct monitoring of the Kennebec River and mid-coast basin. DEP has developed an integrated microcomputer-based management system for macro invertebrate monitoring.

→ Information will be used in the development and calibration of numeric and qualitative aquatic life criteria required for the biological regulations for use as water quality indicators.
→ Continue to develop and refine new methodologies of biomonitoring to assess the effects of point and non-point water pollution and hydropower sources on the attainment of the biological standards of Maine's Water Quality Classification Standards.

→ Conduct invertebrate sampling in conjunction with the Surface Water Ambient Toxics Program, and sample for NPS and hydropower effects.
→ Assess data provided by applicants for wastewater permits or 401 certification. Numeric aquatic life criteria will be proposed at public hearing.

Compliance and enforcement.
→ Conduct monthly non-compliance review (NCR) meetings to review the activities of non-compliant facilities.
→ Formulate action plans for all significant non-compliant facilities.
→ Submit minutes of each NCR meeting to EPA.
→ Meet with EPA in the Fall of 1996 on enforcement priorities, with the aim of developing a joint enforcement strategy.
→ Meet with EPA on a quarterly basis to set corrective actions for non-compliant permittees.
→ In FY97, implement a complaint response tracking system.

O&M training.
→ O&M staff will evaluate federally-funded wastewater treatment facilities that have met all first year project performance certification requirements, have a design capacity of less than 5 mgd, and have operation and maintenance-related compliance problems.

Penobscot Watershed licensing: In coordination with EPA, DEP will issue all licenses in the Penobscot River watershed in 1997. Additional actions:
→ Coordinate implementation of appropriate non-point source controls in the watershed.
→ Consult multi-media data bases to see if it would be advantageous to target any sources in other programs in the watershed.
→ If any such sources are identified, the programs will ensure that appropriate control strategies are in place.
→ Seek public education and outreach opportunities with local community groups.

Androscoggin Watershed Pollution Prevention project.
→ By 12/30/96, complete a plan for scaling back direct involvement in this project, and move into an ongoing level of support to AVCOG and the communities and businesses in the watershed.

B-2-018 Address nonpoint sources of pollution: loadings from land/water (including stormwater management and erosion control). Address nonpoint sources of pollution through implementation of standards, monitoring and assessment, educational and technical assistance, and provision of grants and loans. [See B-1-015].

B-2-019 Address nonpoint sources of Pollution -- loadings from air. Develop a strategy for dealing with certain types of loadings from air (e.g. mercury).

Actions: **See Strategy B-1-016.**

B-3: Measurable Objective: Estuarine and Marine Areas

By 2005, reduce by 10% the square miles of estuarine and marine habitat in nonattainment due to bacterial contamination.[7] Reduce the square miles not supporting designated uses due to other causes and, by 2005, develop a scientific basis to define non-attainment, impaired and threatened coastal waters so that measurable objectives may be set in relation to these causes. By 1998, determine how to better protect, enhance and manage beach systems and associated coastal resources in southern Maine, and provide for a measurable objective.

ωOutcome Measures: (a)the square miles of estuarine and marine habitat in nonattainment due to bacterial contamination; (b)the square miles of estuarine and marine habitat not supporting designated uses due to other causes (insufficient information currently available to set measures); (c)method not yet determined for establishing measures concerning beach systems and associated coastal resources.

Background: The source of this objective is DEP judgment. The primary sources of nonattainment in estuarine and marine areas are combined sewer overflows (CSOs), malfunctioning septic systems, and the presence of overboard discharges (OBDs). See CSO discussion under Rivers, above. DEP licenses OBDs, and provides grants for OBD removal, if funded by the voters through a bond. The Department of Marine Resources determines when a shellfish area may be opened for harvesting, based on the removal of known discharges or when continuous sampling reveals that bacterial contamination is no longer a problem. The Department of Human Services oversees septic systems, but the DEP also may provide grants for the replacement of malfunctioning septic systems that are having an impact on surface waters, through the small community grants program, provided this is funded by the voters through a bond. Control over the attainment of this objective by the DEP is low; control by state government as a whole is reasonably high.

Coastal water quality involves more than sanitation issues around shellfish. Toxic contaminants, nutrients and habitat availability are all vital to sustained use of Maine's marine resources. At present, our ability to measure impacts and effects of pollutants on marine and estuarine life is poor and we are not actually able to say that coastal waters are impaired, or threatened, let alone whether water quality classifications (standards) are being attained. We have a good assessment of the distribution of pollutants (through the DEP's Marine Environmental Monitoring Program, Gulfwatch, and SWAT) and now are in a position to relate pollutant levels to ecological effects. The first step, however, is to collect and synthesize the information to identify gaps and develop an ability to measure classification attainment, impairment, and threats.

B-3-020 Control point source discharges. Control point source discharge through development and implementation of standards, monitoring and assessment, educational and technical assistance, and provision of grants and loans.

B-3-021 Address nonpoint sources of pollution -- loadings from land/water. Address nonpoint sources of pollution through implementation of standards, monitoring and assessment, educational and technical assistance, and provision of grants and loans.

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[7]Using the draft 1996 State of Maine Water Quality Assessment (305(b) Report) as a base line.

Actions:

Open redeemable shellfish areas. Working with the Department of Marine Resources, target selected shellfish areas in coastal towns for removal of OBD's and straight pipes to enable the reopening of shellfish areas.

→ Develop priority lists of selected shellfish areas for the Overboard Discharge Grant Program and Small Community Grant Program in the Spring of 1997 through meetings with the Department of Marine Resources, DEP staff, local officials, shellfish committees, and other interest groups.

→ Complete ongoing projects in Cousin's River (Yarmouth), Tidal Brook (Freeport), Arey Cove and Roberts Harbor (Vanlhaven), St. George River (Thomaston), Love Cove (Southport), Seal Harbor, Watts Cove, and Cutler Cove (St. George), Rider Cove (Islesboro), Delano Cove (Friendship), Greenland Cove (Bremen), Chandler River (Jonesboro), Northern Bay (Penobscot), Indian Point (Stonington), Dunham Point and Blastow Cove (Deer Isle).

Implement nonpoint source program. [*See actions under B-2-018].* DEP, in coordination with the State Planning Office and other state and local agencies will:

→ Initiate the coastal nonpoint source program under Section 6217 of the Coastal Zone Act Reauthorization Amendments ("CZARA") upon approval of the State's submittal by the federal agencies.

Casco Bay Estuary Project. provide on-going technical and programmatic support to the Casco Bay Estuary Project, with a specific focus on environmental monitoring and assessment.

Air deposition. Submit a grant request to EPA to fund research for the Casco Bay Estuary Project on PAHs and cadmium.

Monitoring. During the 1997 field season, toxic contaminants will be monitored coastwide under Gulfwatch and SWAT.

Education and Technical Assistance. Analysis of hypoxia and nutrient vulnerability in coastal embayments and estuaries will continue and result in a technical report.

Environmental Indicators. Define response indicators for marine waters in the Gulf of Maine based features of the benthic biological community (if grant is approved).

Portland Harbor Dredge. Sediment bioassay technique will be tested and evaluated on Portland Harbor sediments.

B-3-022 Develop a strategy concerning beach systems and associated coastal resources in southern Maine. Develop a strategy to better protect, enhance and manage beach systems and associated coastal resources in southern Maine, and provide for a measurable objective.

Actions:

PAHs and cadmium: Submit a grant request to EPA/ORD to fund research for the Casco Bay Estuary Program.

B-4: Measurable Objective: Wetlands

Ensure that wetlands of special significance are identified and protected, and that the loss of all wetlands due to regulated activity is minimized. Develop a data base and assessment methods so that a measurable objective may be set.

ωOutcome Measures: (a)net change in wetlands of special significance; (b)net change in other wetlands (insufficient information currently available, and available to the department, to set measures).

Background: The source of this objective is DEP judgment. With limited exceptions, the department regulates wetland alterations of 4,300 sq. ft. or larger. We do not regulate, and hence have no way of tracking, the accumulated loss of smaller wetlands areas. Therefore, this objective uses the term "wetlands of special significance" which is contained in DEP's wetlands regulations and is a subset of all wetlands.

DEP's control over the achievement of this objective is fairly high, because of the limitations of its terms. If it were to simply set an objective of "no net loss of wetlands," DEP's control over the objective would be low, because we do not regulate and cannot track small wetland alterations.

There is not at present an in-place system to track wetlands lost, protected, mitigated and compensated. Development of the data base is essential, to document the rate of current wetland loss and set an achievable, measurable objective.

B-4-023 Implement a wetlands program. Provide a wetlands program through review of projects under the Natural Resources Protection, monitoring and assessment, educational and technical assistance, and planning.

Actions:

Mitigation. Working with the Wetlands Task Force, develop alternative approaches to wetlands mitigation including establishment of a fee in lieu of compensation.

Cranberry permitting. Resolve issues and inconsistencies between Federal and State permit requirements for cranberry operations, specifically: mitigation, and permit processing.

B-4-024 Prioritize wetlands. In priority watersheds, assess and prioritize wetlands for protection (see also the objective on "Ecosystem Health" for the related topic of watershed assessment).

Actions:

Wetlands Conservation Plan. Work in partnership with SPO in completing the State Wetland Conservation Plan including the development of a wetlands prioritization strategy for the State of Maine. This will include; a) evaluation of the new regulatory program, and b) the development of recommendations on mitigation and how to perform wetlands assessment.

Watershed Prioritization Pilot. Work with SPO and other natural resource agencies on developing a wetlands prioritization plan for the Presumpscot River Watershed. This project will establish priorities for wetlands mitigation work within the watershed for both regulatory and non-regulatory activities. (Note: SPO lead).

City of Westbrook. Support the City of Westbrook in their efforts to establish a wetlands mitigation bank that can be accepted by state and federal agencies.

B-5: Measurable Objective: Ground water

By 2000, have the fundamental understanding and data necessary to set measurable objectives for the protection of ground water quality and evaluation of use, value and vulnerability.

ωOutcome Measures: Current information insufficient to set measures.

Background: All ground water is classified as class "GW-A" by law, but we do not know the overall status of ground water quality. Ground water protection and restoration (and monitoring) has largely been conducted in the context of regulating and/or remediating particular sources such as landfills, hazardous waste sites and underground storage tanks. We have no program for the general monitoring of ambient ground water quality, nor is this undertaken by either local governments or EPA.

DEP has some control over this objective where regulated sources are at issue, less where they are not. Overall control is fairly limited, influence is somewhat higher. There is no endorsed Comprehensive Ground Water Protection Program in Maine, although work on Maine's CSGWPP profile and assessment is proceeding. Because no information exists on the overall status of ground water quality, measurable objectives for improvement cannot be set at this time.

B-5-025 Continue to support ground water protection. Continue to support ground water protection through development and implementation of standards, monitoring and assessment, and educational and technical assistance.

Actions:

Vulnerability assessment. Develop a statewide groundwater vulnerability assessment methodology by 12/31/96.

Ranking system. Develop a system for ranking of watersheds and waterbodies to determine priorities for action.

Priority protection. In priority watersheds, assess existing and potential sources of pollution, and assess and prioritize water supplies, and ground water dependent resources/habitat, for protection.

Sand/salt piles. Revise the sand/salt pile priority list.

Comprehensive Ground Water Protection Plan. Complete CSGWPP Profile and Assessment by 12/31/96 and secure EPA endorsement of Maine's core CSGWPP.

Support to Wellhead Protection Program. Pass through to Department of Health Services $60,000 for support of the FY97 Wellhead Protection Program. Evaluate funding level for this program in light of FY98 commitments and deliverables.

Underground Injection Control.

→ Provide information on the control and abatement of UIC injection activities.
→ Continue the inventory and evaluation of UIC injection activities, focusing on the Kennebec River Watershed over the next three years.
→ Prioritize UIC injection facilities in the watershed
→ Continue to identify known threats from UIC wells to groundwater, through continued UIC inspections, distribution of fact sheets, and elimination of as many UIC disposal wells as possible.
→ Continue to update the UIC data layer in the Ground Water Resources Database, a state-wide GIS-linked database, as required by the Comprehensive State Ground Water Protection Plan.

B-6: Measurable Objective: Watershed and Ecosystem Health

Continue to work to protect ecosystems and, by 2005, develop the information base needed to establish measurable objectives for the protection of ecosystem health.

ωOutcome Measures: current information insufficient to set measures.

Background: While DEP's other water objectives are specific to waterbody type, it is clear that the natural world does not observe such boundaries: streams and ground water flow into lakes, rivers into estuaries, etc. It is equally clear that these resources must be looked at holistically, as the sum total of the conditions of a particular place, including consideration of social, cultural, and economic influences as well. Ecosystem approaches focus on the overall health, rather than the traditional source-by-source or pollutant-by-pollutant approach. A key management tool for ecosystem protection is the watershed approach. Because ecosystem protection necessarily involves a coalition of private and public entities to be effective, DEP must primarily rely on influence, rather than control, to achieve ecosystem protection. However, we have a high level of control over the development of ecosystem indicators. If the resources are applied to this activity, they can be developed.

B-6-027 Continue to support ecosystem protection. Continue to support watershed and ecosystem health through the development and implementation of standards, monitoring and assessment, educational and technical assistance, and planning.

Actions*:*

Watershed prioritization. DEP will organize an inter-agency steering committee to identify priority watersheds for the purpose of developing watershed management plans. Proposed group members include DEP, SPO, IFW, DOC (Natural Areas Program), DMR, DHS-Health Engineering, EPA (additional agencies may be consulted or added to the group) Target date: November 1, 1996.

→ The steering committee will develop a plan to initiate work on priority watersheds. At a minimum, at least one coastal watershed and one great pond watershed will be targeted for start-up in each year (actual number will be dependent on available resources). Work on

rivers, streams and freshwater wetlands may also be targeted as individual projects, or may be proposed within the plan for coastal or great pond watersheds.

→ Watershed priorities will be based on its assessment of the following factors: a) Degree of threat or impairment to a resource; b) resource value; c) technical feasibility of fixing problems; d) level of public support. Note: Priorities may be established for up to 5 years in advance. In this case, priorities should be annually reviewed. Target date for initial list: February 1, 1997.
→ The DEP will work with the steering committee to establish lead agencies/organizations for each watershed project; the lead agency would then be responsible to name a project manager/coordinator. An inter-agency team will be established to provide project support/oversight. Target date for initial projects: March 1, 1997.

Watershed assessment. In priority watersheds:
→ Assess existing and potential sources of pollution to lakes, streams and coastal waters using volunteer watershed surveys and other assessment approaches.
→ Assess and prioritize wetlands and riparian lands for protection.

Salmon Conservation. Participate in an interagency effort to implement the Salmon Conservation Plan.

Monitoring and assessment. Work with EPA to identify and develop environmental indicators.
→ Work with EPA to implement the waterbody system and use it to annually update the 305(b) waterbody assessment files for electronic transfer to EPA.
→ Develop a multi-year monitoring strategy.
→ Complete Reach File 3 indexing.

B-6-029 Address usage issues as appropriate. Assist in resolving certain usage issues as appropriate, such as water withdrawal, water levels, and dam relicensing.

Actions:
Agricultural irrigation plan. Work with agricultural community and others to implement an agricultural irrigation plan.

Flow maintenance. Work to maintain aquatic base flow (ABF) on all streams, where ABF is currently or in the interim not achieved, due to withdrawals from irrigation or other water use needs. Maintain ABF (or existing natural flow if less than ABF) if currently being achieved.

Define low flow. Participate in five year study with USGS and Dept. of Agriculture to establish low flow needs (ABF) for small streams.

B-6-030 Provide leadership in environmental protection. Proactively initiate and participate in the identification and resolution of emerging land and water quality issues, and development of methods of land and water quality protection. Foster development of innovative technologies that minimize or eliminate pollution and encourage facilities to go beyond compliance.

Actions*:*

Pollution prevention. Identify and encourage methods of pollution prevention:

→ Develop Pulp and paper industry benchmarks (P2 measurements) document.
→ Provide site technical assistance to a pulp & paper mill P2 guidance team.
→ Host a Pulp and paper mill source reduction activities seminar.
→ Develop a1997 Municipal Wastewater Pollution Prevention Summary Report.
→ Conduct POTW P2 roundtables.
→ Conduct POTW P2 assessments.
→ Conduct a Small business P2 demonstration project.
→ Have P2 promotion and technology transfer meetings with commercial facilities owners.

Sprawl/Patterns of Development. The Maine Environmental Priorities Project identified patterns of development as a critical environmental issue affecting water quality, air quality, habitat loss, residuals use, and numerous other issues. The State Planning Office has the general lead on the question of sprawl. DEP will be participating in several state government efforts to help better define this problem and potential solutions.

Trading. Investigate watershed-based trading opportunities:

→ Working with EPA, seek opportunities in a watershed context for more cost-effective means of reducing pollution through trading programs between and among point and nonpoint sources.
→ Continue work with AE Staley, the City of Houlton and local agriculture interests to improve water quality in the Meduxnekeag River.

II. PERFORMANCE PARTNERSHIP WORK PLAN

C. MATERIALS HANDLING

Issue Statement: Its natural resources are a major factor in why people choose to live in and vacation in Maine. The mountains and forests, the rivers, lakes and ocean, and the landscape in general draw people from far and wide. Human activity, however unintentional, can put these obvious assets, and less visible assets such as ground water, at risk. Petroleum or hazardous substance spills, tire stockpiles, and improper waste disposal practices in general are real events and are some of the undesirable by-products of activities which sustain our economy. Through education, technical assistance, and regulation designed to protect our resources and to remediate activities which may put them and the population in jeopardy, the department will continue to apply strong science and both traditional and innovative approaches to better manage the handling of petroleum products, hazardous substances, and solid wastes.

GOAL: To protect public health, safety, welfare and the environment from pollution by oil, hazardous substances, solid waste or septage.

C-1: Measurable Objective: Contaminated Sites

By the year 2000, decrease by 15% the number of solid waste, hazardous substance and petroleum contaminated sites that pose an unacceptable risk to public health, safety, welfare and the environment.

ωOutcome Measures: (a) number of contaminated sites; (b) number of homes with contaminated drinking water; (c) number of sites returned to reuse (d) number of plans reviewed (e) number of final remedies selected (f) work years expended on training (g) ratio of projects to staff

Background: The Contaminated Sites objective is derived from the agency mission and Governor King's "Environmental Agenda". The purpose of this objective is to clean-up or contain the existing waste and petroleum contaminated sites in order to provide clean drinking water, ground water, soils, and surface water and to protect public health, safety and the environment. Additionally, it is desired that sites be returned to productive reuse as industrial, commercial, recreational, or residential properties.

Factors critical in determining the achievement of this objective are continued support for clean-up activities through bond issues, continued funding of existing programs supported by fee requirements, support for enforcement activities as necessary, adoption of soil clean-up guidelines, promotion of the Voluntary Remedial Action Program, and creation of incentives for clean-up of industrial properties for economic reuse.

C-1-031 Emergency response. Conduct an effective emergency clean-up program responding to all reported spills of petroleum or hazardous substances.

C-1-032 Contaminated sites. Conduct the clean-up of petroleum and hazardous substances contaminated soil and ground water sites.

C-1-033 Abandoned sites. Conduct the clean-up of 15 state uncontrolled hazardous substance sites, and participate in the clean-up of 16 Voluntary Remedial Action Plan (VRAP) sites and return the sites to productive reuse.

C-1-034 Federal lead sites. Conduct the clean-up of 26 Superfund and Dept. of Defense sites.

C-1-035 Hazardous and solid waste sites. Process closure plans, require and oversee corrective action to control leachate, stabilize and monitor sites, and maintain the integrity of the sites to prevent harm to the public health, safety, welfare and the environment. Use National Corrective Action Prioritization System (NCAPS) for guidance and prioritize corrective action projects. Establish work plans and milestones for at least six (6) RCRA-C corrective action projects.

Actions:

Closure plans. Review, comment on, and make decisions on corrective action and closure plans for RCRA sites.

Risk assessments. Oversee risk assessments at RCRA sites. Make final remedy decisions. Ensure public opportunity for comment on clean-up actions.

C-1-036 Oil. Administer the third party damage claims and insurance programs to compensate persons for damages; determine eligibility and deductibles, and disburse funds to applicants to investigate and remediate discharges of oil from underground and aboveground storage tanks.

Actions:

Outreach. Prepare and distribute to tank owners and operators outreach materials which facilitate compliance with the leak detection and abandonment (removal) requirements, and provides guidance on state fund eligibility.

Funding.

- → Continue implementation of strict cost controls and close tracking of the Ground Water Oil Clean-up Fund to provide the funding necessary to maintain the LUST program financial obligations.
- → Implement a computerized oil contamination case tracking system status and expenditures, and continue, health risk based prioritization of sites for allocation of funding, monthly monitoring of the Fund and provide semi-annual status reports to EPA.
- → Initiate a process to evaluate the need, revenue, and staffing levels for an insurance and compliance program after current statutory sunset of December 31, 1999.

C-1-037 Information Management. Provide information necessary to maintain accurate state and national databases of hazardous waste and underground storage tank information.

Actions:

Hazardous Waste. Information related to hazardous waste handlers, permits, closures, corrective actions, compliance and enforcement activities, and biennial report information will be reported to EPA for inclusion in the National RCRIS database. These actions will include:

- → Notification of hazardous activity from hazardous waste generators, permits issued, closure plans approved, and corrective action milestones including final remedy selections.

→ Information maintained by the Maine DEP related to annual hazardous waste reports and manifests will be available upon request.

Oil. Information regarding compliance with leak detection and upgrade requirements, inspection, compliance and enforcement initiatives, confirmed releases from oil handling facilities, clean-ups initiated and completed, final remedy selection, and information relative to state lead clean-ups will be maintained and provided to EPA for inclusion in the national database.

→ Compliance information will be used to target facility inspections and outreach efforts. The health risk based priority list of active and backlogged LUST remediation sites will be maintained.

→ A current and accurate UST registration database will be maintained and enhancements will be developed to include an improved QA/QC program and an expansion of the capability to track leak detection and overfill/spill prevention compliance.

→ Coordinate improvements to UST registration database with ground water resources database staff as UST geographic information becomes available.

C-1-038 Implementation. Maintain adequate levels of trained staff in order to administer the hazardous waste, petroleum handling, and PCB programs.

Actions:

Training.

→ Assess training needs of staff and seek out cost effective training opportunities to ensure staff are adequately trained to effectively deliver program services.

→ Participate in internal and EPA sponsored programs designed to train staff in delivery of technical assistance and regulatory guidance for UST owners and operators.

Staffing. Continue to assess the level and expertise of staffing required to accomplish the mission and objectives of the Department and the Performance Partnership Grant.

Self Assessment. Department staff will conduct a self assessment end-of-year review as the oversight evaluation for the RCRA-C program.

C-2: Measurable Objective: Tire Stockpiles

Within 5 years, eliminate the significant environmental and health hazards posed by tire stockpiles, including the removal of a minimum of 15 million tires by the year 2000.

ωOutcome Measures: (a) number of tires; (b) number of stockpiles; (c) condition of tire stockpiles; (d) number of tire stockpiles in compliance with standards

Background: The Tire Stockpile objective is derived from Governor King's "Environmental Agenda". The purpose of this objective is to reduce or eliminate the tire hazards and water quality threats posed by tire stockpiles in Maine. The risks caused by tire stockpiles, such as fire potential, and air pollution from open burning of tires, will be addressed through compliance, enforcement, and hazard abatement activities. The primary focus of site abatements will be removal and processing of scrap tires for beneficial reuse. Factors critical in determining the achievement of this objective are support through a bond issue question on the November 1996 ballot, and one more $5-7 million bond act in 1998, as no funding is currently available. Also, there is a need for enforcement support, as necessary.

C-2-037 Unlicensed tire stockpiles. Conduct compliance/enforcement activities as necessary to effect abatements and the cessation of use of unlicensed stockpiles.

C-2-038 State controlled tire stockpiles. Conduct abatements at state controlled tire stockpiles as financial resources are allocated.

C-3: Measurable Objective: Waste and Petroleum Management.

Annually, achieve the prevention of any significant new illegal discharges and emissions, and minimize other risks to public health, safety, welfare, and the environment associated with the siting, design and operation of solid waste, septage, hazardous substance and petroleum facilities.

ωOutcome Measures: (a) number of applications and registrations processed; (b) number of licenses issued; (c) complaints investigated; (d) compliance inspections conducted; (e) violations documented; (f) enforcement actions initiated; (g) technical assistance and education and outreach activities conducted (h) underground tanks removed (i) wells affected.

Background: The Waste and Petroleum Management objective is derived from statute and department regulation. The purpose of this objective is to prevent the occurrence of discharges and contaminated sites which pose unacceptable risks, and to ensure that all waste facilities are sited, designed, and operated in a manner that is protective of public health, safety, welfare, and the environment. This objective is accomplished, in part, through the application of regulatory standards to waste facilities in order to minimize any risk that a facility might pose. Factors critical in determining the achievement of this objective are the need for continued financial support through continuation of federal and dedicated funding

C-3-039 Application processing. Process applications and approve those that meet or exceed siting, design, and operational requirements that are at least as protective as those established in rule.

Actions:

Applications.

→ Evaluate, provide comments, and make decisions on at least two (2) full facility and four (4) abbreviated license applications (RCRA-C).

→ Ensure opportunity for public comment and incorporate public comments into decisions as applicable.

→ Process underground oil storage facility removal notices and new facility registrations.

C-3-040 Rulemaking/Authorization. Develop and update rules pertaining to waste oil solid waste management (RCRA-D) and hazardous waste management (RCRA-C) and underground petroleum storage facilities (RCRA-I) as needed to establish siting, design, and operational standards that minimize risks to public health, safety, welfare, and the environment and are at least as stringent as the federal requirements adopted by the EPA.

Actions:

Authorization. Work with EPA to complete review of current package submitted for state authorization (RCRA-C). Following authorization of the pending solid waste rules, develop a plan for addressing remaining areas of RCRA-C where rules have yet to be authorized.

Advisory Opinions. Issue advisory opinions on the requirements of the RCRA programs and provide EPA with assistance on mutually agreeable issues.

C-3-041 Compliance. Conduct compliance activities, including inspections at forty (40) hazardous waste sites, eighty (80) underground storage tank sites, and thirty-two (32) sites managing PCB's. Strive to increase the number of inspections in each program to promote compliance. Sustain current field presence by spot checking tank closure (abandonment/removal) sites and conducting site visits and outreach efforts at approximately one hundred seventy (170) underground oil storage facility sites. Investigate complaints of non-compliance. Make compliance and enforcement determinations and follow through to ensure compliance is achieved.

Actions:

Field citations. Coordinate with EPA staff in resolution of appropriate violations through enforcement actions in the form of federal field citations.

C-3-042 Above ground storage facilities. Conduct an evaluation in collaboration with the Maine State Fire Marshal's Office, the Maine Oil and Solid Fuel Board, Maine Petroleum Association of the effectiveness of current above ground petroleum storage facility regulatory standards and compliance efforts to prevent petroleum discharges and develop strategies to correct identified deficiencies.

C-3-043 Implementation. Continue to implement the joint DEP/EPA July 22, 1992 Memorandum of Agreement governing the implementation of the Maine UST program and the state federal program authorization.

C-4: Measurable Objective: Abatement and Waste Transportation.

By the year 2000, reduce to insignificant levels[8] the risk to public health, safety, welfare, and the environment from the abatement of environmental hazards from, and the transportation of, solid waste, hazardous substances, and petroleum.

ωOutcome Measures: (a) number of transporter applications processed; (b) number of abatement licenses and certifications issued; (c) number of notifications received; (d) compliance inspections

[8]The regulation of abatement, installation and removal, and transportation seeks to prevent the creation of *any* risks from these activities. However, due to the human factor in the performance of these activities, the measurable outcome of this objective reflects the reality that zero risk will not be achievable.

conducted; (e) violations documented; (f) number of enforcement actions; (g) number of training providers accredited; number of LEAs in compliance with AHERA requirements.

Background: The Abatement and Waste Transportation objective is derived from statute. The purposes of this objective are to protect the public and the environment from exposure to possible hazards from the transportation of petroleum, hazardous substances, and solid waste; and to protect Maine public from the hazards of lead and asbestos abatements, handling and disposal.

Factors critical in determining the achievement of this objective are the need for new regulations for lead abatement, and the need for continued financial support through federal funding at current levels.

C-4-043 Training. Ensure that people engaged in lead and asbestos abatement activities, underground oil storage tank installation and removal, and waste (hazardous, biomedical, oil, and non hazardous) transport are adequately trained to properly abate, handle, and dispose of these wastes.

Actions:

Lead licensing. Process applications for lead abatement licensing/certification; audit and accredit training providers; conduct training for lead abatement workers from Maine's four federally-recognized tribes.

Asbestos licensing. Process applications for asbestos abatement licensing/certification; audit and accredit training providers.

Reciprocity. Continue efforts to establish reciprocity agreements with other states through the Consortium of Northeast States (CONES) in both lead and asbestos certification and accreditation.

Educational initiatives.

→ Develop educational materials on proper lead and asbestos hazard abatement techniques, including information for contractors and homeowners involved in residential remodeling.
→ Coordinate with the Department of Human Services to conduct outreach and education activities for lead poisoning prevention.
→ Provide real estate/rental lead notification forms and pamphlets as requested in cooperation with EPA.

C-4-044 Compliance. Conduct field inspections, investigate complaints and take enforcement actions to ensure no public health or environmental risks are created through improper abatements, and that LEAs are in compliance with AHERA schools rules.

Actions:

Compliance strategies. Update the asbestos compliance strategy yearly, and develop a lead compliance strategy by December 31, 1997.

Compliance inspections and enforcement. For both lead and asbestos: process notifications; conduct work site inspections; respond to complaints and referrals; and pursue enforcement actions in accordance with the lead and asbestos compliance strategies.

Compliance assistance. Provide information on state and federal lead and asbestos regulations, training and certification of workers, accreditation of training providers, and real estate/rental notification and disclosure to abatement personnel and contractors, schools, building maintenance personnel, realtors, and landlords.

NESHAP.

→ Continue activities as the delegated NESHAP agency in Maine.
→ Coordinate reporting activities with the DEP Bureau of Air Quality, and continue to enforce NESHAP violations under state authority.
→ Initiate development of a program to track asbestos worker exposures.

AHERA.

→ Continue as "waiver state" for AHERA activities in the State.
→ Continue inspection, enforcement, and outreach programs outlined in the waiver agreement to promote compliance with AHERA.
→ Initiate development of a program to track exposures to asbestos in schools and public/commercial buildings.

Database development.

→ Update the State Occupational Safety Register for worker blood lead levels.
→ Perform a pilot project to develop an inventory of housing with a high risk of lead paint hazards.

C-4-045 Rulemaking. Develop and update rules pertaining to lead and asbestos management, to the installation and removal of underground and above ground storage tanks, and to the transportation of hazardous and non-hazardous wastes.

Actions:

Lead. Propose revisions to the State legislature to transfer statutory authority for the lead program from DHS to DEP by February 1, 1997 for action by June 30, 1997; based on the August 29, 1996 EPA rules, revise existing lead rules on training and certification of lead abatement professionals, and promulgate rules on the accreditation of training providers by December 31, 1997.

Asbestos. Revise by December 31, 1997, the asbestos regulations to ensure consistency with federal regulations for flooring, siding, and roofing, and to better target Departmental resources in licensing, compliance and enforcement activities.

C-5: Measurable Objective: Waste Reduction and Recycling

By the year 2000, increase by 10% from 1996 levels the portion of Maine's waste streams being managed through source reduction, reuse, and recycling.

ωOutcome Measures: (a) amount of waste managed (b) types of waste managed (c) number of waste management methods

Background: The Waste Reduction and Recycling objective is derived from Governor King's "Environmental Agenda". The purpose of this objective is to reduce the amount of wastes

generated and requiring disposal. The department will encourage, through education and regulations based on strong science, traditional regulation and innovative environmentally sound approaches to pollution prevention, waste reduction, recycling, beneficial reuse, and agronomic utilization. Preventing the generation of waste and promoting recycling and beneficial reuse will reduce threats to public health and the environment, saving both resources and money for Maine citizens and businesses. Factors critical in determining the achievement of this objective are the need to regulate beneficial use of solid waste, the market demands for recycled products, and the need for continuation of current funding levels.

C-5-046 Pollution prevention and technical assistance. Develop and implement hazardous waste and petroleum pollution prevention or technical assistance initiatives focused at gasoline marketers, the metal finishing industry, printing businesses and three large industry participants in the EPA/DEP Third Party Compliance Program.

C-5-047 Reuse of solid wastes. Provide education and technical assistance in following the waste management hierarchy to encourage the safe beneficial use and agronomic utilization of solid wastes.

D. RESPONSIBLE MANAGEMENT AND ENVIRONMENTAL STEWARDSHIP

GOAL D. RESPONSIBLE MANAGEMENT AND STEWARDSHIP

To ensure that Maine's environment remains healthy and productive in perpetuity, through the efficient and effective delivery of department services and the development of an ethic of public responsibility for the State's natural resources.

D-1: Measurable Objective: Customer Service/Satisfaction

By the year 2000, the percentage of customers who report satisfaction with service received from DEP will reach 70%.

ωOutcome Measures: (a) survey results; (b) letters from the public; c) customer comment cards; (d) efficiency measures for systems improvements, (e.g. average complaint response time, average permit approval time); (e) percentage of DEP staff who feel their skills are well utilized "always" or "most of the time".

Background: The Maine Economic Growth Council set the stage for this objective, with the findings in its 1996 report "Measures of Growth". The Council proposed performance measures to guide achievement of the state's long-term economic goals, and proposed two measures that speak to the efficiency and effectiveness of state services: business experience obtaining state permits, and citizen satisfaction with the value of state services in general.

The report also pointed out that DEP reviews 44% of all state permits, the most of any state agency. It also provided useful baseline data, reporting that, in 1995, 60% of Maine businesses report no difficulty in obtaining permits, and 32% of Maine citizens rate the value of state services as "good" or "excellent". DEP's customer service/satisfaction objective builds on this, while still recognizing that the departments "customers" include a broad array of businesses and citizens, for a host of programs that include but exceed permitting.

Improvements in customer satisfaction rely on continuing improvements in customer service. DEP's Quality effort, underway since 1993, has begun to yield a range of improvements to major operational systems. While program-specific process improvements are integrated throughout this strategic plan, the strategies described below represent major system improvements that show promise of delivering those department-wide improvements in efficiency and effectiveness.

D-1-049 Environmental complaint response system. Implement a department-wide complaint tracking and resolution system that will result in the expeditious handling of alleged environmental violations state-wide.

D-1-050 GIS- supported license/permit review capability. Expand GIS capability, in order to access environmental resources data and allow staff from both regions and Augusta to assess the potential impacts of applicant activities with greater accuracy and efficiency.

D-1-051 Electronic submission of monitoring reports. Provide a system that allows regulated entities to submit both monthly, quarterly and annual monitoring data in electronic form, thereby both reducing the reporting burden and increasing the usefulness of the data to DEP.

D-1-052 Internal customer satisfaction. Continue to monitor the extent to which DEP staff feel their skills are fully and appropriately utilized, and, through the Quality Council's annual "Strategic Plan for Quality", identify areas where process action teams are needed to identify and recommend improvements in processes, skills and/or internal systems.

D-1-053 External customer satisfaction. Continue the routine distribution and regular compilation of customer survey cards through all programs with customer contact, and provide regular reports of results to DEP managers. Ensure that customer survey cards are distributed through the broad array of DEP programs, not just in conjunction with permitting.

D-2: Measurable Objective: Environmental Stewardship

By the year 2000, [XX%][9] of Maine residents' will report that they participate routinely in environmental programs or activities.

Outcome Measures: (a) percentage of Maine residents reporting participation in voluntary environmental activities; (b) participants in DEP volunteer activities; c) voluntary compliance data; (d) number of participants in "environmental excellence" programs.

Background: As pointed out elsewhere in this plan, the nature of environmental protection in Maine is changing. Increasingly, efforts must be aimed less at large, discrete polluters like paper mills, factories, landfills and other stationary sources, and more toward decentralized, diverse and diffuse individual sources like automobiles, residential septic systems and fertilized front yards – more than previously understood, environmental protection must begin at home.

In recognition of this, DEP's ultimate goal is a Maine in which natural resources are protected because they are never under threat – where public responsibility for the protection of the state's resources is sufficiently widespread that environmental regulations are widely supported, willingly met and enforcement rarely if ever required. By stating the outcome in terms of "environmental stewardship" we attempt to capture this sense of willing public concern and shared responsibility. Its measure is apparent in the percentage of Mainers who report participation in some form of voluntary environmental activity. We hypothesize a relationship between these self-reported actions and the level of public understanding and support for environmental systems. As with the previous objective, only time and sampling will reveal the validity and extent of this relationship.

D-2-054 Voluntary compliance and "Environmental Excellence". Implement a range of programs that encourage voluntary compliance with environmental regulations and/or provide incentives for efforts that exceed minimum requirements and/or encourage non-regulated activities that result in environmental benefit.

Actions:

Partnering. Partner with business sector, environmental groups, and other stakeholders to create and administer "Maine Leader" programs for oil wholesalers/jobbers and gasoline dispensing facilities.

[9]DEP contributed a question concerning public participation in environmental programs or activities to a September statewide survey conducted by the Economic Growth Council. The results, expected in November, will establish a baseline for this objective, and enable DEP to set an appropriate target by February 1, 1997.

Environmental Leadership/Startrack. Provide DEP support to review proposals, audits, and reports generated as a result of existing and future Environmental Leadership Program and StarTrack Projects as well as for the Clean program. Provide DEP review of XL proposals generated by Maine facilities.

D-2-055 Volunteer monitoring programs. Continue and expand to other watersheds, other Geographics and other media (air, land use) programs that utilize trained volunteers in the monitoring of natural resources, following the model of the successful volunteer monitoring efforts on Casco Bay and on Maine lakes.

D-2-056 Education and outreach. Provide a comprehensive program of public education, consisting of materials, educational events and involvement opportunities, to educate Mainers about the state's environmental issues, the implications of those issues, and the steps they can take to address the environmental issues of concern to them. Coordinate with the 15 other strategies in this plan that explicitly incorporate an educational component.